EXTENSION OF THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974 (P.L. 93–415)

HEARING

BEFORE THE

SUBCOMMITTEE TO INVESTIGATE JUVENILE DELINQUENCY

OF THE

COMMITTEE ON THE JUDICIARY UNITED STATES SENATE

NINETY-FIFTH CONGRESS

FIRST SESSION

ON

S. 1021 and S. 1218

APRIL 27, 1977

Printed for the use of the Committee on the Judiciary

U.S. GOVERNMENT PRINTING OFFICE

21-782 WASHINGTON : 1978

COMMITTEE ON THE JUDICIARY

[95th Congress]

JAMES O. EASTLAND, Mississippi, *Chairman*

JOHN L. McCLELLAN, Arkansas
EDWARD M. KENNEDY, Massachusetts
BIRCH BAYH, Indiana
ROBERT C. BYRD, West Virginia
JAMES ABOUREZK, South Dakota
JAMES B. ALLEN, Alabama
JOSEPH R. BIDEN, JR., Delaware
JOHN C. CULVER, Iowa
HOWARD M. METZENBAUM, Ohio
DENNIS DeCONCINI, Arizona

STROM THURMOND, South Carolina
CHARLES McC. MATHIAS, JR., Maryland
WILLIAM L. SCOTT, Virginia
PAUL LAXALT, Nevada
ORRIN G. HATCH, Utah
MALCOLM WALLOP, Wyoming

FRANCIS C. ROSENBERGER, *Chief Counsel and Staff Director*

SUBCOMMITTEE TO INVESTIGATE JUVENILE DELINQUENCY IN THE UNITED STATES

JOHN C. CULVER, Iowa, *Chairman*

BIRCH BAYH, Indiana
ROBERT C. BYRD, West Virginia

CHARLES McC. MATHIAS, JR., Maryland
MALCOLM WALLOP, Wyoming

JOSEPHINE GITTLER, *Chief Counsel*
STEPHEN J. RAPP, *Staff Director*

CONTENTS

APPENDIX

EXTENSION OF THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974 (P.L. 93-415) S. 1021 AND S. 1218

WEDNESDAY, APRIL 27, 1977

U. S. SENATE,
SUBCOMMITTEE TO INVESTIGATE
JUVENILE DELINQUENCY OF THE
COMMITTEE ON THE JUDICIARY,
Washington, D.C.

The subcommittee met at 10:05 a.m., pursuant to notice, in room 2228, Dirksen Senate Office Building, Hon. John C. Culver (chairman of the subcommittee) presiding.

Present: Senators Culver and Bayh.

STATEMENT OF HON. JOHN C. CULVER, A U.S. SENATOR FROM IOWA

Senator CULVER. The subcommittee will come to order.

Let me welcome all of you to the hearing this morning. It is the first meeting of the subcommittee that I will have an opportunity to chair since assuming that position in this Congress.

All of us know of Senator Bayh's outstanding service during his chairmanship. He has focused, in my judgment, subcommittee attention on this problem in a most remarkable and commendable way. I think that, under his able leadership, this subcommittee set a high standard of professional emphasis and attention to this problem.

Senator Bayh focused the subcommittee's attention on what is one of our society's most pressing problems. He has offered several significant pieces of legislation that most of you here today are aware of. Most notably has been the Juvenile Justice and Delinquency Prevention Act which we will be discussing today.

We owe Senator Bayh an immeasurable debt of gratitude for his leadership. I am certain that Senator Bayh would be the first to acknowledge that he was most fortunate to have the very capable and supportive assistance of Senator Mathias in the subcommittee's work.

The problems of juvenile justice demand an informed citizenry as well as an informed bipartisan approach in Congress. In this subcommittee's history, juvenile justice has received this attention.

I am hopeful that in the coming years the subcommittee can continue to address the problems of juvenile justice with a similar spirit of constructive and imaginative approaches. I am encouraged that President Carter, as well as Attorney General Griffin Bell, have shown

an understanding of the importance of Federal juvenile delinquency prevention programs in a coordinated attack on crime.

Mr. Bell told us at his confirmation hearing that "if we are going to do anything about crime in America, we have to start with the juvenile." I believe that his sense of priority is borne out by the tragic statistical evidence that is so painfully familiar to most of us. Persons 24 and younger commit 6 out of every 10 violent crimes in the United States and 8 out of every 10 property crimes. Juveniles under 21, today commit 62 percent of all serious crimes. Those under 18 are responsible for 43 percent of all serious crimes.

The number of violent crimes by youth nearly quadrupled from 1960 to 1975. That probably says more about the nature and problems of our society, in a fundamental sense, than it does the youth themselves. It certainly suggests problems that go far beyond the appropriate purview and jurisdiction of this subcommittee to resolve, but they are troubling and disturbing in terms of their social, economic, and political implications on this Nation's way of life.

In my own State of Iowa, about 8,400 youngsters were processed through the juvenile delinquency courts in 1965. By 1975, the number had increased to 20,200. Last year, offenders under 18 accounted for 43 percent of all major crimes committed in Iowa.

The Juvenile Justice and Delinquency Prevention Act of 1974 was an attempt to bring a coordinated effort to search for a better juvenile justice system. Its emphasis was on attempting to prevent juvenile delinquency rather than reacting to it after the fact. Also, the status offender was to be removed from the traditional juvenile system; but the juvenile court system itself should insure that those who commit crimes of violence or are repeatedly criminal in their conduct receive quick and sure punishment.

The subcommittee is now considering two bills, S. 1021 and S. 1218, to amend the Juvenile Justice and Delinquency Prevention Act of 1974 in a number of respects, as well as reauthorize it.

Today's hearing gives the subcommittee an opportunity to hear from a number of witnesses who have observed the act in operation and participated in its implementation. I anticipate that the subcommittee will have an opportunity to learn a great deal.

This subcommittee will be exploring much of the activities that have been undertaken of an investigative nature in the past, as well as more serious congressional oversight on this subject later in the year.

We face a May 15 deadline under the Budget Control Act that will limit us to 1 day of hearings. We have therefore asked the witnesses to submit transcripts of their testimony in advance.

We are going to have a number of witnesses and panels today. We have to free up this room at 12:30. I would, therefore, request that, to most efficiently use the available time, the witnesses try as best they can to summarize their remarks. We will make the entire text of their statements part of the record rather than have them read their remarks in their entirety. This will, of course, leave us time for questions.

We are particularly pleased to welcome this morning as our first witness Mr. James Gregg, who is now the Acting Administrator of the Law Enforcement Assistance Administration of the Department of Justice.

It is my understanding, Mr. Gregg, that you are accompanied by Mr. Thomas Madden, who is the General Counsel of LEAA; and Frederick Nader, the Acting Assistant Administrator for the Office of Juvenile Justice and Delinquency Prevention.

We are very pleased to welcome you here. You may begin.

STATEMENT OF JAMES M. H. GREGG,[1] ACTING ADMINISTRATOR, LAW ENFORCEMENT ASSISTANCE ADMINISTRATION, DEPARTMENT OF JUSTICE, ACCOMPANIED BY THOMAS J. MADDEN, GENERAL COUNSEL, LEAA, AND FREDERICK NADER, ACTING ASSISTANT ADMINISTRATOR, OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION, LEAA

Mr. GREGG. Thank you very much, Mr. Chairman.

We are pleased to have the opportunity to appear this morning in support of reauthorization of the Juvenile Justice and Delinquency Prevention Act of 1974.

I would like to highlight some of the significant points of my written statement.

With over two years of experience under the 1974 Act, we have found it to be very workable. We are convinced of the fundamental soundness of the purposes of the act. The objectives of the act, although difficult to obtain in some cases, are achievable. The structure of the act and the authority provided contribute to our ability to implement the policies it embodies.

While we have encountered some problems in the administration of the program, they have been routine problems as are usually encountered in the early stages of any significant new Federal assistance program.

Since we believe the 1974 law is sound, the amendments we are supporting are few in number and generally modest in effect. However, at least two of the amendments are of considerable significance.

The first is the reauthorization provision, which would extend the act another 3 years through fiscal year 1980. Funds in the amount of $75 million would be authorized for fiscal year 1978, and such sums as may be necessary for the 2 succeeding fiscal years.

This reauthorization period will permit us to continue the substantial progress already made under the 1974 act. Importantly, it will reassure State and local governments, as well as private agencies concerning the Federal Government's long-term commitment——

Senator CULVER. Excuse me, Mr. Gregg. You say "the substantial progress made under the 1974 act."

What do you base that assessment on?

Mr. GREGG. Monitoring by our staff of the program, the preparations by the States and among private agencies for implementing the programs, the initial start on programs——

Senator CULVER. What percent has actually been made available for the customer of these services, as distinguished from administrative overhead in total funds expended since the enactment of the legislation?

---

[1] See p. 63 for Mr. Gregg's prepared statement.

Mr. GREGG. Under the formula program, up to 15 percent can be expended for the purposes of planning the programs, evaluation, monitoring, and so forth.

Senator CULVER. But, in the life of the program, how much has actually been expended?

Of the total amount that has been actually made available, how much has ever gotten out in the street?

Mr. GREGG. Actually expended, as of this date, by fiscal year: $9,382,000 in fiscal year 1975; $1,628,000 expended in fiscal year 1976. I should point out that, while fiscal year 1975 figures as cited, the actual appropriation was not made until almost the conclusion of the fiscal year. It really became available to us for obligation only in fiscal year 1976. For practical purpose, those 2 fiscal years should be treated as 1. That 1975 money was not actually available for obligation in fiscal year 1975.

Senator CULVER. Are talking about $10½ million?

Mr. GREGG. That is correct.

Senator CULVER. You have actually expended that money under this program.

Mr. GREGG. That represents actual expenditures at the project level in the various States and cities. We have obligated a good deal more than that from LEAA, but this is the money that has actually been spent——

Senator CULVER. Does that include overhead?

Mr. GREGG. It would include up to 15 percent of the formula grant part of the program.

Senator CULVER. What is the bottom line figure? How much money has actually been spent on kids since 1974, when we enacted this legislation?

Mr. GREGG. The figure would be the $10½ million.

Senator CULVER. Does that include any administrative expenses?

Mr. GREGG. It would include up to 15 percent of those expenditures that were for the formula grant program.

Senator CULVER. All right, after eliminating those funds, what was the actual amount expended?

Mr. GREGG. It would be 85 percent of the $10½ million.

Senator CULVER. About $10 million.

Mr. GREGG. Yes, sir.

Senator CULVER. On that basis, you say "continue the substantial progress since 1974"?

Mr. GREGG. Yes, sir.

Senator CULVER. By your characterization, I think that is ludicrous. But go ahead with your statement.

It is hardly substantial progress measured against the statistics I cited; is it?

Mr. GREGG. I think, sir, I would like to address that in more detail when I finish my statement.

Senator CULVER. I think it cries out for addressing in more detail. We will get into that.

Mr. GREGG. The second significant change concerns provisions of the act dealing with deinstitutionalization of status offenders. The 1974 act requires——

Senator CULVER. Are you calling for 3 years on the reauthorization?

Mr. GREGG. Yes, sir.

Senator CULVER. The first year is $75 million?

Mr. GREGG. And such sums as may be necessary for the 2 succeeding fiscal years.

Senator CULVER. As of now such subsequent funds are not defined.

Mr. GREGG. That is correct.

Senator CULVER. You are only calling for an authorization that represents half of last year's authorization.

Mr. GREGG. That is correct, sir.

Senator CULVER. It is only equal to the $75 million that was actually appropriated last year.

Mr. GREGG. Yes, sir. The budget for last year was $75 million. That amount was also requested in the budget for fiscal year 1978.

Senator CULVER. Do you know that everytime you authorize something you almost have to assume less appropriation?

Mr. GREGG. Well, sir, that sometimes happens.

Senator CULVER. I have noticed that sometimes happens.

Mr. GREGG. The 1974 act requires that status offenders be deinstitutionalized within 2 years of a State's participation in the formula grant program. Some States, despite strong efforts on their part, will not be able to meet this 2-year deadline. Therefore, under this proposed legislation, the Administrator of LEAA would be granted authority to continue funding those States which have achieved substantial compliance with this requirement within the 2-year limitation and which have evidence an unequivocal commitment to achieving this objective within a reasonable time.

This will enable States which are making good progress toward the objectives of the act to continue in and benefit from the formula program.

Mr. Chairman, there are nine other amendments proposed in this legislation. The details concerning those are contained in the written statement.

Senator CULVER. Excuse me, Mr. Gregg. On the 2-year requirement, are saying you would waive that 2 years and cut off funds in the absence of substantial compliance?

Mr. GREGG. We would require substantial compliance within the 2-year period and an unequivocal commitment to achieving fully the objective within a reasonable time.

Senator CULVER. What would you consider to be a reasonable time?

Mr. GREGG. Another several years, at most.

Senator CULVER. Please proceed.

Mr. GREGG. That concludes my highlighted statement, Mr. Chairman. The details of the other provisions are included in the written statement. We are prepared now to answer your questions.

Because of the very worthwhile objectives of this act—especially the deinstitutionalization provisions—and the need to obtain legislation and carefully plan new programs before implementing them, an initially slow rate of expenditure has resulted. That is not unusual in new Federal assistance programs.

In most assistance programs there is a rather slow startup period. In many cases, it is very fortunate that we do not have rapid imple-

mentation. Otherwise, we would get programs that have not been well thought through. This delay reflects careful planning on the State's part and the need to obtain legislative authority, in some cases, to mount these programs.

I would also ask Mr. Nader to comment on your question as to progress to date.

Mr. NADER. We have four major activities operating, Mr. Chairman. One of those activities is the special emphasis program, for which there has been available both juvenile justice funds and funds made available to us under the Crime Control Act. We have awarded somewhere in excess of $40 million to programs around the country. They focus not only on deinstitutionalization of status offenders, but also diversion.

We have some programs that work, for example, to take youngsters out of adult facilities. These are facilities with cell blocks, tiers, guards, and cages. We have supported a whole range of training programs, research activities, and development of standards over the past 2 years.

It is important to note that there is a substantial difference between the term "expended"—which means the money has actually been used—and the term "obligated"—which means that a proposal has been submitted, and the project is underway and is operating.

The obligation figures for this program are substantially higher than actual funds being spent on the street.

One of the important things to note as well is that, some States must change their entire system of dealing with these youngsters. This includes courts, correctional facilities, and police operations. That is not easy, Senator.

Senator CULVER. Why is the administration requesting a 3-year extension of the act?

Mr. GREGG. We believe, Mr. Chairman, that this will give us another substantial period of time to implement the act, to assess our progress, to evaluate the programs, and, at the same time, to give sufficient indication of commitment to the program for purposes of planning on the part of State and local governments and private agencies.

Senator CULVER. When the Attorney General sent his request for this 3-year extension to the White House, what was the authorization request that he made?

Mr. GREGG. It was a 3-year extension requesting a $150 million authorization for each of the 3 years.

Senator CULVER. It was the same, I assume, for the budget request?

Mr. GREGG. The Attorney General had requested that amount, over and above the overall LEAA budget ceiling. The $75 million was approved, but not as a figure over the ceiling——

Senator CULVER. But he wanted $150 million under this program.

He is not asking a $150 million authorization and then asking for less than the budget? He is asking the same. He is consistent; is he not?

Mr. GREGG. Yes, sir.

Senator CULVER. OK.

Unfortunately, the previous administration never fully implemented this act. Could you give us some indication of just how high a priority this administration assigns to juvenile justice and delinquency prevention, in your judgment?

Mr. GREGG. My impression is that it assigns an exceedingly high priority to this area. In the entire LEAA budget, this was the only area

for which Mr. Carter increased the budget request. It has been made clear on numerous occasions, both by the Attorney General and the White House, that this is considered to be a very high priority.

Senator CULVER. What about level of maintenance? Are we going to have problems on that?

Mr. GREGG. No, sir. We are maintaining the juvenile justice investments in the other LEAA programs.

Senator CULVER. What level would that be maintained at?

Mr. GREGG. In fiscal year 1975, it amounts to $121,587,000. In fiscal year 1976, it was $130,208,000.

Senator CULVER. What percent of your total is that?

Mr. GREGG. Our total budget was $750 million for fiscal year 1976. $130 million of Crime Control Act funds, plus $75 million for the Juvenile Justice Act went into juvenile programs.

Senator CULVER. Around 20 percent? Is that what you are going to maintain it at?

Mr. GREGG. Yes. Around 20 percent, plus what is appropriated for the Juvenile Justice Act.

Senator CULVER. What about coordination? What thoughts do you have on that?

What sort of reorganization or administrative changes are you contemplating in order to effect maximum administration——

Mr. GREGG. Most of LEAA's juvenile justice responsibilities have been transferred to the Office of Juvenile Justice and Delinquency Prevention.

There are one or two minor exceptions to that. We are developing with both the Juvenile Justice Office and our Statistics and Information Service a juvenile justice information system. That is a joint project by the two offices.

We also have a policy coordination mechanism within the Agency. The Office of Juvenile Justice has an opportunity to review and comment on any policy or program that would affect juvenile justice.

Senator CULVER. I have been submitted a number of questions by Senator Wallop that he wonders if you would be good enough to respond to for the record.

Mr. GREGG. We would be happy to.

Senator CULVER. Also, in the interest of time, I hope you can expedite the responses to these. I will make them available to you today.

Mr. GREGG. We certainly will.

Senator CULVER. Without objection, your responses, when received, will be made a part of the record.

[The following questions were submitted by Senator Wallop to Mr. Gregg and his answers thereto:]

Question 1. Isn't it correct that one of the major interests of LEAA, and in particular LEAA's Offices of Juvenile Justice and Delinquency Prevention, is to encourage state's to implement standards that have been developed?

Response. States seeking LEAA block grant funds under the Crime Control Act must submit a comprehensive plan which establishes goals, priorities, and standards for law enforcement and criminal justice. Standards are also a major focus of the Juvenile Justice and Delinquency Prevention Act (JJDP Act).

Section 247 of the JJDP Act requires the National Institute for Juvenile Justice and Delinquency Prevention to review existing standards relating to the juvenile justice system in the United States. The Institute is supervised in its activities by the Advisory Committee on Standards for Juvenile Justice established in section 208(e). The Advisory Committee is charged with recommending Federal action, including but not limited to administrative and legislative action, required

to facilitate the adoption of standards throughout the United States, and recommending state and local action to facilitate the adoption of these standards at the state and local level.

Since juvenile justice and delinquency prevention is an area which is primarily the responsibility of state and local governments, the Office of Juvenile Justice and Delinquency Prevention (OJJDP) is encouraging each state to develop its own standards. In this process, each state is to review and consider the recommendations of the Advisory Committee and to provide a significant role for its State Advisory Group.

OJJDP is undertaking a series of projects to demonstrate and evaluate portions of the Standards recommended by the Advisory Committee. Operational tools such as model statutes, guidelines, and manuals will assist implementation. Training and technical assistance will be provided and Federal efforts in areas covered by the Standards will be coordinated.

Question 2. Isn't it correct that most of those standards would require substantive changes in state law or, in any event, action by the state legislatures in order to be implemented?

Response. Some Standards would require substantive statutory changes in various jurisdictions. Others, especially in the Prevention, Intervention, and Adjudication areas, could be implemented administratively at the state and local levels utilizing existing resources and statutory authority.

Question 3. Is the Office of Juvenile Justice and Delinquency Prevention doing anything to assist the state legislatures in acquiring the capacity to understand the very complex issues that are involved in order that the standards be implemented?

Response. Yes. In October 1975, LEAA awarded Legis 50/The Center for Legislative Improvement a $260,000 grant to conduct a study of legislative efforts to divert status offenders from the juvenile justice system. The study had two components: An in-depth analysis in four states (New Mexico, Florida, Michigan, and Alabama) of the political and procedural dynamics involved in the formulation of legislation, and four regional workshops designed to identify ways to enhance the process of juvenile justice policy-making.

The study was considered a success by all participants and it was concluded that the project had permitted the most concentrated investigation thus far of the effect of state legislative institutional capacity on the establishment of laws governing juvenile behavior.

Question 4. Would it be fair to assume that Office of Juvenile Justice funds spent for the purpose of providing that kind of assistance, that is, assistance to the state legislatures, might result in state resources far beyond those provided by the Congress being applied to juvenile justice problems?

Response. Yes. Considering the state responsibility for juvenile offenders, and the financial and manpower resources available at the state level, LEAA hopes to continue efforts to improve the provision of resources to all branches of state government, including legislative bodies charged with juvenile justice policy-making responsibilities. The adoption and implementaton of some of the federally-supoprted Standards for juvenle justice would be hampered by lack of refinments in the state legislative process. The problems of the juvenile offender will, in many cases, be impacted only by the passage of new legislation at the state level. To expedite the legislative process, LEAA will support state efforts to address particular problems.

Question 5. In summary, then, isn't it correct to say that by finding a mechanism to assist the legislatures and their appropriate committees to address the problems which must be addressed if the standards are to be implemented, then the funding of such a mechanism would be consistent with Congress' intent that juvenile justice funds be used to impact on the problems of the juvenile offender?

Response. Yes. A mechanism should be supported whereby LEAA and OJJDP can actively assist the state legislative capacity-building process in a manner which will allow these legislators to deal effectively, innovatively, and efficiently with juvenile justice matters. The systemic weaknesses identified by the Legis/50 study, when applied to the complexity of the juvenile justice system, underscore the need for an ongoing mechanism designed to provide state legislatures with greater expertise in dealing with juvenile justice issues.

Senator CULVER. We are very fortunate to have Senator Bayh with us this morning, who I have already referred to earlier. He has contributed in a historic and remarkable way in this whole area of juve-

nile delinquency. We are so fortunate to have his continued counsel on this subcommittee as he assumes other responsibilities on the full committee.

I wonder if at this time, Senator Bayh, you have any questions.

STATEMENT OF HON. BIRCH BAYH, A U.S. SENATOR FROM INDIANA

Senator BAYH. Thank you, Mr. Chairman.

Let me say that it is a privilege to have a chance to serve with a man that I believe will bring to this subcommittee the same kind of sensitivity that we tried to create in the subcommittee since 1970.

I confess that it was a heart-wrenching decision to make when the reorganization of the Senate required us to limit our services to the chairing of one subcommittee. Because of nuances that I do not think are necessary to get into here, it was necessary for me to relinquish my chair of this subcommittee to assume the chair of the subcommittee on the constitution.

I want to say that I do so in good faith, that the same kind of principles will be carried on, perhaps even expanded and handled in a more diligent way by my successor. I certainly intend to follow his leadership and, as one member of this subcommittee, to be as interested as it is possible for one member to be in the continuation of the thrust of this subcommittee.

As one element of Congress that is sensitive to the important role that Government plays, both in Congress and in the executive branch as well as other governmental institutions throughout the country at State and local levels, in dealing with the social problems of young people and how they impact on society, this subcommittee's role is substantial.

Mr. Chairman, I would like to ask some questions of our witnesses.

There has been a good deal of opposition directed at the relatively new juvenile justice program, which we are studying for extension. Some elements apparently want us to stay as we have been. I assume it is not necessary to take the subcommittee's time to relate what the track record has been, as far as results are concerned, with continuing to do things the way they have been done in the past.

As one of the principal movers and shakers in this juvenile justice legislation, I find it hard to be totally objective about it. We did not pretend that this was a magic potion or that we had all the answers. But we did insist that those who suggested that we continue to do things in the future the same way we had done them in the past were ignoring the fact that they did not have any of the answers.

Failure was being compounded. It seemed to me that, although we did not know whether our new program would work perfectly—and assumed it would not work perfectly—we at least thought it was worth giving a try and that it made a lot of sense and came closer to what might solve our problems.

It seems to me that one of the things that is central to accomplishing what Congress intended in 1974 is the implementation of section 527, which I quote:

> All programs concerned with juvenile delinquency administered by the Administration shall be administered or subject to the policy direction of the

office established by Section 201 A of the Juvenile Justice and Delinquency Prevention Act of 1974.

We are all too familiar with the past failures of the agency to respect its mandate. I know that the new Attorney General shares my concern about this matter, from bringing it to Mr. Bell's attention during his confirmation hearings. I would like to know precisely, Mr. Gregg, how you intend to comply with the provisions of this act in this respect; I think it is critical. Right now we are in the process of, shall I say, maturation. We are trying to determine who is going to be doing what in LEAA. There may be some questions that you just cannot answer because of the transient nature of the situation at LEAA.

The President has talked extensively—and I think he is sincere—on his effort toward reorganization and making more efficient the administration of governmental programs. One of the whole thrusts of the Juvenile Justice Act was to take some 39 separate independent youth delivery and youth servicing mechanisms that existed in various ways in the Federal Government, bring them in there, and let the assistant administrator have a chance to really pull things together, to stop the competition, to stop the overlapping, and to stop some of the inconsistencies that were going on.

So, I think we can look at that question I raised in a broader context.

Mr. GREGG. If I may, Senator Bayh, I will respond to the question in two respects.

One is the coordination of policy and the policy direction of the Office with respect to LEAA juvenile justice activities. Mr. Nader can best respond to the progress that we have made in the area of coordinating Federal programs and policies generally beyond the LEAA program.

With respect to section 527, most projects and programs that fully involve juvenile justice activities have been transferred to the Office and are under the authority of the Office. There are several very minor exceptions.

One that I mentioned in response to Senator Culver's question is an information-gathering program that is being conducted jointly by the Office of Juvenile Justice and our Statistics and Systems Office in LEAA. This is a joint project, but it is clearly under policy direction of the Office of Juvenile Justice.

We also have within LEAA a policy coordination system, whereby any policy that the Agency would be promulgating affecting juvenile justice would be subject to the review of the Office of Juvenile Justice. If that Office had any problems or difficulties with that policy, this would be considered by the Administrator of LEAA.

We also have a Grant Contract Review Board in LEAA. It reviews all grants and contracts of national scope that LEAA is involved in. The Office of Juvenile Justice has a panel member on that board. Any grant or contract that raises issues concerning juvenile justice would be referred by the board to the Office of Juvenile Justice for their review and comment.

So, these are several mechanisms that we now have in place to insure the necessary policy review and coordination. We have several additional ones under consideration at this time.

With respect to the coordination of Federal programs overall, I will ask Mr. Nader, who has been very directly and heavily involved in that, to comment.

Mr. NADER. We have several activities ongoing at the present time, Senator. Of primary importance are the Coordinating Council and the National Advisory Committee, the citizens group appointed by the President. The National Advisory Committee has designated a subcommittee to work with the Coordinating Council so that, every-time that Coordinating Council meets, there is, in effect, a citizens' group working with them.

The first order of business was to try to find out, as best as we could, how many Federal programs relate to juvenile justice. It was an extremely difficult process. We came up with something on the order of 140 different Federal programs. The next item we focused on in order to provide some direct help to the States was to determine how many of those Federal programs required State plans.

There are 26 different Federal youth programs that require State plans. That means each State has to generate separate State plans in response to a Federal mandate relating to, in many instances, the same population of youths.

We are now in the process, using that as basic information, of developing an information system that will be governmentwide. It will give us not only legislative information, but program information that relates to policy and objectives and project-impact information. Then we can get a better handle on what is being done for what population of juveniles using Federal funds. In order to do that, we must initially define some terms which have not been defined in the past.

We want, for example, to arrive at a uniform definition of "prevention"—one that makes sense and which we can hold other agencies accountable for in their activities. Preventative activities, treatment activities, training activities, and even the scope of who is a "juvenile" are all items which may be viewed differently by different agencies. We have had three initiatives operating at the same time to assist in this effort.

One is development of a series of demonstration projects supported by LEAA under the direction of the Coordinating Council at three sites across the country. The intent is working with the local jurisdictions to figure out how to best use Federal dollars from several sources on behalf of a specific target population of youngsters. Then there would not be the duplication that currently is in the offing.

We want to know how projects work through the different Federal regulations, the different funding cycles, et cetera, in order to make that possible. We are carefully documenting this effort so that we can provide specific feedback at the Cabinet level as to what statutory regulatory, and administrative changes will be necessary in order to make funds flow more easily.

In addition, the Coordinating Council decided to set an agenda that they could follow over the next few years, focusing on one step at a time. That agenda related to such issues as doing a proscriptive cohort analysis to find out the major factors that contribute to young people feeling the necessity of becoming involved in activities which are considered antisocial—what sort of health factors are involved,

what sort of educational factors are involved, and what sort of environmental factors are involved.

Then we could speak much more clearly to the agencies responsible as to what they ought to be doing.

The third thing we are working on is an analysis of Federal programs, which is required by statute, and the development of a comprehensive Federal plan. We will specify the policy objectives and priorities in the plan to other agencies so that we will have a yardstick of their performance.

That, in a very summary way, are the sorts of things that the Coordinating Council, the National Advisory Committee, and the people on my staff have been involved in over the past two years.

Senator BAYH. When will that second study, relative to the environmental questions, be completed?

Mr. NADER. The Coordinating Council, with the change of administrations, has not taken that step as of yet, Senator. The prospective cohort analysis has not been initiated.

The Coordinating Council was reviewing their research agenda, meeting six times per year. With the changes in membership, it has not had the opportunity to meet in the last 4 months.

Senator BAYH. Is there anything we can do in Congress to prod that along?

Mr. GREGG. I discussed this, Senator Bayh, with Deputy Attorney General Flaherty. He expects to be holding a meeting of the Council in the near future.

Senator BAYH. The chairman asked a question that I think is very relevant. I would like to follow up on it.

This act began with very responsible and modest goals as far as moneys were concerned. Do you think that most of these moneys have been well spent?

Mr. GREGG. Yes, sir; I believe they have. Senator Culver raised the issue of why more of the funds have not been spent at this time. We tried to outline some of those reasons.

Another factor is the emphasis on evaluation and program development in this Act. We have tried to take care to design programs, particularly the Special Emphasis programs, in a way that they will be carefully evaluated. We will know at the conclusion of those programs how effective they have been. This does take some time.

Quite candidly—and I think, sir, you are as familiar with this as anyone—that the road was somewhat rocky during the first 2 years of this program under the previous Administration. That caused some people who wanted to be involved in the program to stand back a bit until the question of the priority of this activity and the long-term commitment to it was established.

As you will recall, the program had quite a few ups and downs—largely downs—during that 2-year period. This affected the willingness of people to get involved and get committed to the program. Now, as it has become very clear that this is a high priority of the administration and there is a longer term commitment to this effort, we will see the program move more rapidly.

Senator BAYH. You pointed out the reason why I was asking the question. I want to pursue that with another question.

There has been a rocky road. There was an effort to roll up the road. President Ford said he would sign the bill but he would not ask for

any money. That has been the kind of battle that we have had to fight to get any moneys at all.

I understand the people who work at the bureaucratic level. I say that in a positive way. People who implement programs that are passed in a cooperative effort between the President and the Congress cannot be oblivious to the leadership in the executive branch. There has been none. This has been a congressional and a citizens program. If it had not been for the private, public and volunteer groups that were involved in this, we would never have gotten it passed.

I think Congress deserves good marks, but I think we certainly have to share those marks with the people and the groups that were involved in creating the environment in which Congress could act.

Congress was never designed as an administrative body. You cannot design a horse by committee; as they say, you end up with a camel. You people downtown are the ones that have to run this program.

The reason I ask the question is that I believe President Carter and Attorney General Bell are firmly committed to this. But they are dependent on some of you who have been laboring down there under an administration that was not committed to this. It was quite the contrary. It was doing everything it could to gut it, either on top of the table or under the table.

Are we going to have different attitudes down there now? You, sir, are a professional. You are not a political appointee. What concerns me is that we go through this appropriation of $25 million in fiscal year 1975, which was done over the budget. All of these have been over the opposition of the Director of the Budget: $25 million in fiscal year 1975; $40 million in fiscal year 1976; and $75 million in fiscal year 1977.

I do not know whether we ever received the real answer to the question. At a time when we were spending $75 million, the outgoing administration asked for only $35 million for fiscal year 1978.

Is that accurate?

Mr. GREGG. Yes, sir.

Senator BAYH. Mr. Chairman, that gives you a pretty good idea of the kind of obstacles that have been thrown in our way. I think your question was a good one, but I do not think we ever received the $35 million request on the record.

Mr. GREGG. That is the correct figure.

Senator BAYH. What concerns me is that President Carter and Mr. Lance and Attorney General Bell are all relying on some of you down there who have had an intimate relationshhip with this program to make recommendations as far as the budget is concerned. Despite the fact that we have just now begun to get in gear, you say by your own definition moneys have been well spent—we go from $25 to $40 to $75 million. The new administration has put a high priority on this. Yet, you are asking for the same kind of money this next year as we spent last year. Why?

Mr. GREGG. Senator Bayh, it involves the overall difficulties with the Federal budget and the desire to hold spending down. It is also a reflection of those several rocky years and the result of the lack of clear and consistent policy over those years.

It is going to take us some time to catch up.

I do not think——

Senator BAYH. May I interrupt?

We have a new chairman. He is going to provide dynamic leadership. We have a new President and Attorney General; they are going to provide dynamic leadership.

Maybe those are good excuses; maybe not. But let's forget about them; that's yesterday.

Have any of you made any new recommendations to the Deputy Attorney General or to the Attorney General that we ought to be upping the budget level?

The appropriation process is moving. Certainly you are not oblivious to what is going on up here and the way we appropriate money. It is not easy to come by. We think we have an excellent opportunity now at getting $125 million appropriated.

The chairman very wisely pointed out, "when you ask for an authorization, you very seldom get what you ask for." What are you doing at LEAA to prod some of these people?

Mr. GREGG. I would like to go back to your earlier question about the professional staff. There has never been any lack of commitment on the part of professional staff to this program. It was at a political level that the confusion existed.

The increase in the budget up to $75 million, when the new administration came in is a reflection of the very high priority for the program. That has been made perfectly clear to the professional staff in the Agency, who have supported the program all along.

There is a study underway of the entire LEAA program, its structure and activities. That will probably result in some changes for the organization and direction of the Agency. It may well be that, subsequent to that time, the administration would reconsider the budget. That is one factor in keeping the budget at the $75 million level. We need some time to adjust internally to these changing priorities.

Senator BAYH. Could you tell us now or, if not, could you provide for our chairman an assessment of how much money you could spend; how much money is presently being requested for grants?

Mr. GREGG. Considering where we are, the history of this program, and the previous difficulties, $75 million is a very reasonable figure. I would be very reluctant, until some further changes are made, to suggest that a higher figure is appropriate.

That is not a judgment, sir, as to the need. We have to consider our ability to implement the program, the history of the program, and the effect that has had on potential participants in the program. All those factors considered, $75 million is a reasonable figure at this time.

Senator BAYH. Mr. Gregg, that is disappointing.

I do not know much about you, but everything I know is good. You are a professional. You have been laboring under significant hardships.

I am sure that Chairman Culver will want to develop with people who will be talking with him the same kind of relationship I tried to develop with great hardships under those who were serving in the past administration. I would think that those who are appointed under the new administration would not be under the same inhibitions that we dare not say to the Senators they think different than the Office of Management and Budget.

With all respect, sir, you are just parroting that kind of situation.

Mr. GREGG. Well, sir, this is the administration's position.

Senator BAYH. What is your position?

Mr. GREGG. I have given you my honest, candid opinion, exclusive of any other policy considerations. At this moment, until further changes are made, until we can adjust to the new policy, the $75 million is a reasonable figure.

Senator CULVER. Would the Senator yield on this point?

Senator BAYH. Yes.

Senator CULVER. Mr. Gregg, you earlier testified that Attorney General Bell, in his initial submission and budget request on this particular program, requested $150 million.

Now, did he overrule your professional recommendation or did you subscribe and support this initial budget request?

[Consultation between Mr. Gregg and Mr. Madden:]

Mr. GREGG. I wanted to refresh my memory as to the timing of the initial reauthorization request that I believe went to OMB very, very shortly after Judge Bell became Attorney General. I believe it was a matter of days.

Budget adjustments were made after there had been more staff review by the Department of the budget situation, so there was an inconsistency——

Senator CULVER. After 13 years in Congress, I have some sense of the budget process. But here we have a newly appointed Attorney General of the United States.

Shortly after taking office he is advised that he must make a budget request for the program activity of this particular agency.

Did he talk to you? Did you give a recommendation? Did you at any time suggest that $150 million was appropriate for this agency?

Mr. GREGG. Yes, sir; we did.

Senator CULVER. How on earth would you ever suggest $150 million to the Attorney General, when you now say, for the record, that the agency does not have the internal capability to wisely use this amount?

I am disturbed by the fact that Attorney General Bell came into office and turned to you, a professional civil servant, a man most intimately acquainted with the history and the capability of this Agency, and asked how much money, given the commitment of this President, and my commitment to this as a priority matter in the area of criminal justice should we request? How much do we need to begin to do a job in an area that has been so sorely neglected by the previous administration? What kind of commitment should we make in light of an election which philosophically rejected the previous administration's policy?

And you said $150 million.

How could you tell Mr. Bell that $150 million was needed, and now come up and cut it right in half? How are we to believe that this is all you need.

I know you feel an obligation to follow the official OMB position, but how can you reconcile this inconsistency in your professional counsel?

Mr. GREGG. The authorization is not an appropriation; it is a ceiling. We are talking about fiscal year 1978.

Senator BAYH. Would you repeat just what you said?

Mr. GREGG. An authorization is a ceiling. It is not an appropriation. One can have an authoriztaion; the President can propose budgets at lower levels than authorized amounts.

Senator BAYH. That's going to make us sleep easy.

Senator CULVER. Were you just playing a game with the Attorney General when you said we need $150 million for this program and then said that's a meaningless figure.

Did you say to him, we will fight for $150 million? The kids of America need it. The health of this society needs it.

Now you come in and say $75 million is enough. Are you really saying that $35 million is what you would settle for without quitting? How are we to believe you are committed to this program?

Mr. GREGG. May I respond to that Senator?

Senator CULVER. I would welcome it.

Mr. GREGG. The point I was going to make was that $150 million was, in effect, a ceiling. Since the fiscal year for which that authorization would be made would begin next fall, there could be an opportunity to begin to correct some the problems that developed over the years of great uncertainty about the program. If, on the basis of changed conditions, additional appropriations would be appropriate, they could be requested at a later date.

The $75 million figure is the figure that was approved by the Department and by OMB. As I have stated, under the circumstances, at this time, it is an appropriate figure.

I say that on as objective a basis as I can, considering the status of the program at this moment.

Senator BAYH. Mr. Chairman, I find it very difficult to understand that kind of logic.

We are here addressing ourselves to a bill that is not an appropriation bill, Mr. Gregg. It is an authorization bill.

By your own words a while ago, what you said twice and what you fully recognize, I don't care how lauditory this looks in November of next year or October of this next year; you can't come back and ask an additional dollar in the appropriations process. We have all sorts of supplemental appropriations bills; we are all aware of that. But there is no way you can do that.

You ask for a ceiling in the authorization. What is the most you think you can reasonably spend? You are telling us it is $75 million. That is what we are spending this year.

Mr. GREGG. The $75 million authorization is the figure that was approved by OMB and the administration.

Senator BAYH. Mr. Gregg, this is the figure that you gave me when I just asked you the question of how much you thought you could spend. It is the same advice, apparently, the second time around, you have given to the Attorney General of the United States.

I am not in the habit of jumping up and down on people. As I say, I am very disappointed in you, sir. I thought, given the albatross of the past administration being removed and given the advice that apparently you gave to the Attorney General at first of $150 million, that we would be getting a little different answer from you, sir.

Mr. GREGG. Sir, the figure that the Department of Justice suggested for the authorization was $150 million. The figure that has been approved by the administration is $75 million.

Senator BAYH. That is why, Mr. Gregg, I asked the question.

We are all familiar with the fact that, when the decision comes down and when Congress acts, you fellows have to carry out the orders. But we are sitting up here—unless we have to hire mirror images of you fellows that are down there running the program to go in and second-guess everything you do and look over your shoulder and try to see what is really happening, we have to rely on you fellows for independent judgment. You have to tell us what you believe.

The chairman understands that, when they ask for $75 million, that is what they are prepared to do battle for. But you told us that you thought that's all we could reasonably spend. I think the chairman points out a remarkable inconsistency of only 100 percent between the answer you gave the Attorney General when he first requested $150 million and the answer you are giving us now.

I did not ask the question to tell me how you are going to defend this with Mr. Lance, who I have a great deal of respect for; but he has one responsibility and we have another.

I don't think I am going to get a much different answer than what you have given us before. Let me ask you another question. Maybe I can get a different answer here.

What is the total dollar value of requests from the States for programs under the Juvenile Justice Act?

Mr. GREGG. Are you asking, Senator, the total amount of all grant applications that have been made to LEAA under the act?

Senator BAYH. That is right.

Mr. GREGG. I do not have that figure at hand. Let me ask Mr. Nader if he could make an educated guess. If not, we will provide that for the record; it would be a substantial amount.

Senator BAYH. It does not have to be to the dollar. It seems to me that we ought to be able to come close to it.

What about it, Mr. Nader?

Mr. NADER. In our deinstitutionalization of status offender program, we had something on the order of 450 applications. The total requested was somewhere around $200 million. We were able to fund a total of $11.8 million, which is all the money we had available.

Senator BAYH. You had requests for $200 million. Are those applications that have gone through the normal State screening process and been referred to you?

Mr. NADER. Some of them we could not fund Senator. Others were fairly good, but would need an awful lot of work.

We ended up with about 40 that I considered to be fundable in my professional judgment. The dollar amount requested for those that were fundable was about $50 million. Then we took the best of those.

Senator BAYH. And you only had $11 million to spend.

May I ask you the same question that I asked Mr. Gregg about how many dollars you think your program that you are now charged with running specifically—his responsibility is a little different than yours. How many dollars do you think we could invest in that program?

Mr. NADER. The Special Emphasis programs and other initiatives that we control from our central office are expandable. When we put a program announcement out for diversion and we received 350 applications or for prevention, when we got 490 applications, the same

thing obtains, Senator. We reduce it down to those projects that are absolutely the best we can find.

Senator BAYH. I am for this program, but I do not want to spray money on the Wabash, the Ohio, or any other river. I want it spent wisely.

The question is directed at how many dollars do you think we could really spend if we had—as I think we do—a President, an Attorney General, a chairman of this Subcommittee that are really committed to doing something to help kids. How many dollars do you think we could spend through this program under your auspices?

Mr. NADER. It is hard to put an upper limit on it, Senator. There are such needs out there that the only thing that constrains us is the competency of people to actually run the programs. I think we could wisely spend substantially more than we are talking about today. Other changes, however, would have to be made in terms of staff support. Some changes would also have to be made in the relationship between LEAA and the States.

Other Federal agencies would have to begin to pull their fair share. A lot of the abominable conditions, Senator Culver, that you talked about are conditions that come about from health problems, from educational problems, from mental health problems, from all of the problems that the juvenile and criminal justice system does not have the capability to deal with very effectively.

Senator CULVER. I think if you listened carefully to my opening statement—and I would suggest you might want to go back and reread it. When I extemporized a little bit, I think I more than adequately covered the additional ground and its social implications. I even went so far as to suggest that, perhaps, it constituted even an indictment of our society.

I am not saying that $75 million is a magic panacea to solve all of the world's ills. I am also on the Armed Services Committee. I know that every B–1 bomber now costs $117 million a copy in our national security interests.

What do these facts say about our national security and our will and our quality of life and our allocation of resources and our priorities?

Were you asked by Griffin Bell, too, to submit a number of $150 million? Were you asked to sign on?

Mr. NADER. No, sir.

Senator CULVER. Were you consulted about the $150 million figure we started with here in this program. You are the Acting Assistant Administrator of this office; You are the highest ranking body they have over there. Were you asked to give them a number?

Mr. NADER. No, sir.

Senator CULVER. You were not even asked. Mr. Gregg, how do you explain that, that Mr. Nader was not even asked? He is the one that has the stack of applications. He is the one who has been in the real world of this social agony. Where did you get your number?

Mr. GREGG. I should point out, Senator Culver, that neither Mr. Nader nor I were involved in either of those numbers. Mr. Velde the previous Administrator of LEAA, was in office during the entire period that both this authorization figure of $150 million and the

budget of $75 million were discussed. Those discussions were between Mr. Velde and Mr. Bell.

The former Administrator stayed on beyond the change of administrations. During the period you are referring to, he was dealing with the Department concerning these issues.

Neither Mr. Nader nor I were involved in those discussions at that time.

Senator BAYH. Are you telling us, Mr. Gregg, that Pete Velde, who I dearly love as a person, but who has hardly been a ray of enlightenment as far as this program is concerned—I think he just looks at it a little differently. I know he is conscientious about it. Are you saying that he would suggest a number for funding this program that is 100 percent higher than you would, sir?

Mr. GREGG. I am saying, sir, that those discussions, both on the authorization figures and the budget figure, were discussions that Mr. Velde held with officials of the Department. I was not privy to those discussions at that time.

Senator CULVER. But you did subscribe to the $150 million yourself? You have already told us you were notified about that.

Mr. GREGG. I was aware of that figure; yes, sir.

Senator CULVER. And you supported it?

Mr. GREGG. I did not have an opportunity to either support it or not support it. However, I would have supported it.

Senator CULVER. Mr. Nader, you said that the biggest obstacle to more money was the inability to use it wisely. I wonder how you would weigh the relative obstacles to more efficient utilization or need of additional funds. Is the obstacle the OMB or the inability of the LEAA and the States to develop good programs?

Admittedly, we are not talking about throwing money at the problem. You know, if we wasted every nickel in this program and were at least trying, in my judgment, it would be a better good-faith effort than I can point to from other experiences in our national budgetary activities in terms of just absolute, unconscionable waste. I cited an example a few moments ago; they want to buy 244 B–1 bombers. They will contribute, at best, only marginally to our true security by any conceivable, rational definition.

I am trying to find out whether we have to have all this internal restructuring and study of the problem until the patient cannot survive another examination, or if an additional $75 million is needed and can be used as a policy signal and be to show that there is a true commitment to juvenile justice. It would be the kind of encouragement that you mentioned earlier, Mr. Gregg, that this thing has lacked in terms of stabilization and constancy as a public policy matter.

Mr. NADER. Senator, we are trying to remove as many youngsters as we possibly can from the juvenile justice system because it is criminogenic. It causes more problems than it solves.

At the same time, we are trying to determine how many youngsters and what types of youngsters need that social control. We must also figure out what kind of human resources are necessary to help those kids develop into the most positive direction possible to stand as tall as they can within only the limits of their own potential.

We have people out there who take dollars from charities and use them for pornographic purposes for children. We have people out there who, with all good intent, set up programs that involve more youngsters in the criminal justice system than was otherwise the case.

It makes moral and fiscal sense to make the best judgments you can before you start putting tons of money out on the street——

Senator CULVER. "Tons of money?"

Let's just define our terms in one context of the magnitude of this social problem in our current Federal budgetary efforts.

If you come in for an authorization of $75 million, what do you guess to be, in the absence of the leadership of Senator Bayh and others expending more enormous effort to override that, the likely figure you are going to get to work with?

Mr. NADER. My guess is $75 million, because the President requested $75 million. The requested authorization is $75 million.

That had been my assumption all along, Senator. That would be my response.

Senator BAYH. Mr. Chairman, with all respect to the witnesses, I find it totally unacceptable that the people in charge of the program would not be more aggressive in requesting resources.

But that is neither here nor there. It looks like we are going to have to continue to provide that kind of leadership up here.

What I would like to ask, Mr. Chairman, is that these folks provide us, one, the dollar figure, broken down by States, of the applications that you have now under the juvenile justice program for which you are now requesting $75 million.

Can you break that down by State?

Mr. GREGG. We will do that.

Senator BAYH. You can do that for 49 States, because the Indiana Criminal Justice Planning Agency did not even make any applications. We have a great bunch of bureaucrats there. If you want to include them, that would be helpful. Hopefully, we can get some of the more benevolent hearts in LEAA to forget their transgressions or omissions.

I would like to know the level of applications. I think that gives us one target.

Then, Mr. Nader, you might screen out those programs that just don't make sense.

I am going to be distressed if it just accidentally comes to $75 million or $75,000,001.35. I do not think you are that kind of person. I think you will give us a good fair judgment.

You said a moment ago, Mr. Chairman, "substantially more" than the figure we are talking about. So, I will expect a substantially greater assessment here.

I can submit some of these for the record.

Mr. GREGG. I wonder, Senator Bayh, if, in connection with that request, we might also submit to you the number of personnel or staff that it would require to approve, review, monitor, and evaluate those projects?

Senator BAYH. Certainly; that is fine. I would assume that paying those staff people would come out of the total figure.

Mr. GREGG. The staff is paid out of a different account. We have to have positions appropriated by the Appropriations Committees to carry out all of our programs.

Last year, we were authorized three major new program areas, but have not received one position to carry out those responsibilities. So I make the request in order to give you an idea of how our current staff capability would meet or not meet a higher funding level.

Senator BAYH. I think that is a fair request.

I assume that you have made similar protestations to the Appropriations Committees before now?

Mr. GREGG. We have made protestations in a number of quarters, including the Appropriations Committees.

Senator BAYH. This is the first time I ever heard of it. I am on the Appropriations Committee. I do not happen to be on that subcommittee, but, as one who has been intimately involved in trying to talk to some of my colleagues who are on that subcommittee about getting that money up there—and we have been rather successful—it is rather strange that this is the first time I have ever heard about that.

I think that is a reasonable request, so that we can go to bat and we can see you get the administrative dollars you need to carry out the grant level; and then keep the two in balance.

[The following information was subsequently received for the record:]

DISTRIBUTION OF SPECIAL EMPHASIS APPLICATIONS BY STATE

State	DSO	Diversion	Prevention	Total
Alabama	11	3	8	22
Alaska	4	0	1	5
Arizona	4	4	6	14
Arkansas	1	0	2	3
California	43	35	57	135
Colorado	5	3	5	13
Connecticut	2	2	6	10
Delaware	2	3	3	8
District of Columbia	17	9	5	31
Florida	14	9	20	43
Georgia	3	4	9	16
Guam	1	0	0	1
Hawaii	0	1	1	7
Idaho	4	3	0	2
Illinois	27	5	13	4c
Indiana	6	3	6	15
Iowa	4	1	21	26
Kansas	6	2	2	10
Kentucky	3	2	4	9
Louisiana	5	5	4	14
Maine	1	2	3	6
Maryland	9	6	5	20
Massachusetts	10	8	12	30
Michigan	14	6	11	31
Minnesota	5	4	6	15
Missouri	11	5	10	26
Mississippi	2	1	1	4
Montana	1	0	1	2
Nebraska	2	1	6	9
Nevada	6	1	2	9
New Hampshire	3	0	1	4
New Jersey	4	8	8	20
New Mexico	6	1	3	10
New York	23	56	72	151
North Carolina	4	1	3	8
North Dakota	1	1	5	7
Ohio	13	8	7	28
Oklahoma	2	3	4	9
Oregon	7	4	7	18
Pennsylvania	14	17	23	54
Puerto Rico	0	1	7	8
Rhode Island	4	2	3	9
South Carolina	7	1	2	10
South Dakota	1	4	2	7
Tennessee	7	3	3	13
Texas	26	9	17	52

DISTRIBUTION OF SPECIAL EMPHASIS APPLICATIONS BY STATE—Continued

State	DSO	Diversion	Prevention	Tota
Trust territory	0	0	0	0
Utah	2	1	5	8
Vermont	2	0	1	3
Virginia	11	5	6	22
Virgin Islands	0	0	0	0
Washington	8	3	10	21
West Virginia	2	1	0	3
Wisconsin	2	6	9	17
Wyoming	0	1	0	1
American Samoa	0	0	0	0

SPECIAL EMPHASIS JJ

	Amount appropri-ated	Amount awarded to date	Balance to be awarded by fall	Status
Program awards	28,532,000	219,121	28,312,879	
A. Diversion awards:				
1. State Department of Health and Rehabilitative Services, Florida (split funding).		8,888		
2. Memphis, Tenn. (split funding)		102,970		
Subtotal		111,858		
B. Other awards:				
1. Washington DSO supplementary		55,055		
2. Purchase order Mike Marvin to provide TA for "School Crime Initiative."		10,000		
3. Transfer to RO IV		11,991		
4. California RPM Evaluation of DSO.		29,125		
C. Staff travel (TA)		1,092		
Total	28,532,000	219,121	28,312,879	
D. In process:				
1. Prevention I			6,700,000	In process; award projected by June 30.
2. Gangs			6,616,436	Guidelines are in external clearance. Awards projected September 3.
3. Restitution			4,371,435	Guidelines in external awards September 30.
4. Prevention II			7,000,000	Guidelines are being developed; awards projected for the fall.
5. Drug prevention			2,800,000	Interagency agreement will be completed by June 15.
5. Drug prevention			2,800,000	Interagency agreement will be completed by June 15.
6. Program development			650,000	RCA for sole source contract in process.
7. Teacher Corps			145,879	Interagency agreement in process should be completed by June 30.
8. El Dorado County			29,129	In process, scheduled for award June 1.
Total	28,532,000	219,121	28,312,879	
Balance			0	

SPECIAL EMPHASIS PART C

	Amount appropriated	Amount awarded to date	Balance to be awarded by fall	Status
Program awards	5,679,000	3,439,656	2,239,344	
A. Diversion awards:				
1. John Jay College		420,035		
2. State Department of Health and Rehabilitative Service, Florida (split funding).		1,235,834		
3. Kansas City, Mo. (split funding)		426,001		
4. Denver, Colo		153,864		
Subtotal		2,235,734		
B. Other awards:				
1. Los Angeles County (continuation) RO-IX.		248,256		
2. YMCA intervention RO-I (continuation).		53,465		
3. APWA (continuation)		200,588		
4. Alabama Youth Services (transfer to RO-IV).		200,000		
5. Washington Urban League		401,613		
6. New York State Division for Youth (transfer to RO-II).		100,000		
Subtotal	5,679,000	1,203,922	2,239,344	
C. In process:				
1. Gangs			1,089,344	Guidelines are in external clearance. Awards projected September 3.
2. Legis 50			700,000	Application in process. Award scheduled June 30.
3. Sisters United			450,000	In process; award projected June 10.
Total	5,679,000	1,203,922	2,239,344	
Balance			0	

SPECIAL EMPHASIS, FISCAL YEAR 1977, PART E

	Amount appropriated	Amount awarded to date	Balance to be awarded by fall	Status
Program Awards	13,101,000	5,326,589	8,145,014	
A. Diversion awards:				
1. Boston, Mass		960,000		
2. Puerto Rico		968,979		
3. MFY		464,363		
4. Convent Ave. Baptist Church		422,702		
5. Memphis Tenn. (split funding)		767,290		
6. Kansas City, Mo. (split funding)		640,664		
7. Denver, Colo. (split funding)		731,988		
Subtotal	13,101,000	4,955,986	8,145,014	
B. In process:				
1. Serious offenders			8,145,014	Guidelines are in draft. Should be in clearance by June 30. Projected awards September 30.
Total	13,101,000	4,955,986		
Balance			0	

OJJDP GRANT AWARDS AND PERCENTAGE OF THOSE AWARDS GOING TO PRIVATE NOT-FOR-PROFIT CORPORATIONS

The following is a partial list of Diversion and Deinstitutionalization of Status Offender awards. The listing breaks out the grant award amount and the total amount of funds being subcontracted or subgranted to private not-for-profit corporations.

DSO

Arizona—Pima County Deinstitutionalization of Status Offenders; Grant Award Amount: $1,480,090 for two years; Private Not-for-Profit: $1,093,328—74%.

Arkansas—Deinstitutionalization of Status Offenders; Grant Award Amount: $1,108,579 for two years; Private Not-for-Profit: $797,000—72%.

South Carolina—Deinstitutionalization of Status Offenders; Grant Award Amount: $1,500,000 for two years; Private Not-for-Profit: $196,489—12%.

Delaware—Deinstitutionalization of Status Offenders; Grant Award Amount: $987,083 for two years; Private Not-for-Profit: $381,080—39%.

Diversion

Massachusetts—Boston Youth Advocacy Diversion Project; Grant Award Amount: $960,000 for two years; Private Not-for-Profit: $498,228—52%.

Puerto Rico—Puerto Rico Youth Diversion Program; Grant Award Amount: $968,000 for two years; Private Not-for-Profit: $16,720—0.02%.

South Dakota—Rosebud Sioux Tribal Council Youth Diversion Program; Grant Award Amount: $432,858 for two years; Private Not-for-Profit: $2,016—0.01%.

Tennessee—Metropolitan Memphis Youth Diversion Project; Grant Award Amount: $776,178 for two years; Private Not-for-Profit: $776,178—100%.

Senator BAYH. Let me ask you one last question. We have a very real problem, Mr. Chairman, that I am sure you are aware of, in requiring deinstitutionalization for status offenses. Unless we are innovative—Mr. Nader is aware of this and he is aware that I am aware of the problem. You say to deinstitutionalize, and the States are not prepared to meet that responsibility. You have kids that obviously need some supervision, but they do not need to be incarcerated with hard cases.

We have not been innovative enough to provide an intervening, moderate kind of supervision. That is really going to tax us, as to how we can keep kids from being institutionalized with people they learn all the tricks of the trade from and then are abused. But, by the same token, we want to provide supervision that apparently they have not gotten.

We have a requirement of deinstitutionalization. You said several years; you want us to back away from that. I am prepared to be reasonable, but several years worries me. How long a period of time is several years?

Mr. GREGG. Well, sir, I would say that it could be interpreted as being anywhere between 2 to 5 years.

Senator BAYH. Two to five years?

As long as a State was making progress, was making a good faith effort to accomplish the goal, you would suspend them from the requirement of the act?

Mr. GREGG. Sir, we would expect them to have made substantial progress already. This would be an expression of good-faith intent to fully meet the objective. Then, depending on the circumstances in the particular State, they could completely meet the objective within an additional 2 to 5 years.

Senator BAYH. Mr. Chairman, I think here you will find we have one of the real problems that we are going to be confronted with. How do you create the incentive for States to do something that they have not done now, without destroying their involvement in the program which gives them the resources to make progress toward the goal we want to accomplish?

That is going to test all of our ingenuity. It is a real balance there that I think is important.

Thank you, Mr. Chairman.

Senator CULVER. Thank you, very much, Mr. Gregg.

We very much appreciate your appearance here today. We look forward to working with you on these problems in the months and years ahead.

Mr. GREGG. Thank you, Mr. Chairman.

Senator CULVER. I ask unanimous consent that some material from Senator Gravel be included in the record. Without objection, it will be included at this point.

[The above-referred-to material follows:]

UNITED STATES SENATE,
COMMITTEE ON FINANCE,
Washington, D.C., April 26, 1977.

Hon. JOHN C. CULVER,
Chairman, Subcommittee on Juvenile Delinquency, Senate Judiciary Committee, Washington, D.C.

DEAR JOHN: The State of Alaska is experiencing some difficulties in meeting the requirements of Section 223 (12) and (13) of the Juvenile Justice and Delinquency Prevention Act of 1974. Enclosed please find two letters, one from Governor Jay Hammond of Alaska to President Carter, and another from Gail Rowland, Chairman of the Governor's Advisory Board on Juvenile Justice to me.

These letters provide excellent summaries of the problem and I would appreciate your assistance in including them in the hearing record on legislation to extend the Act. I hope that the Committee will be able to address these issues in legislation later this year.

With best wishes,
Sincerely,

MIKE GRAVEL.

Enclosures.

STATE OF ALASKA,
OFFICE OF THE GOVENOR,
Juneau, Alaska, April 12, 1977.

Hon. JOHN CULVER,
Dirksen Senate Office Building,
Washington, D.C.

DEAR SENATOR CULVER: Alaska is completing its second year of participation under the Juvenile Justice and Delinquency Prevention Act of 1974. As you may be aware, Sections 223 (12) and (13) of that Act require that participating states ensure that status offenders be deinstitutionalized and juveniles are not held with adults in dentention facilities within a two year time-frame.

It has become clear that Alaska cannot respond to these mandates in all areas of the State within the limited time. Alaska's climate, geography, and population significantly impact its ability to implement and comply with this Act. Alaska's total population is 404,000, equal to that of El Paso, Texas. In terms of people, Alaska is a small town, but in terms of the area it is vast. Alaska is ⅓ the size of the continental United States stretching across four time zones and larger than the combined areas of Texas, California, and Montana. Alaska sprawls over 586,400 square miles, and two-thirds of it is under ice all of the year.

There are more than two hundred native villages in Alaska, some of them with a population of less than twenty-five. Many of these villages are as much as 500 miles from the nearest service center and most of those centers, like Barrow, Bethel, Nome, and Kodiak, are between 50 and 450 miles from major areas like Fairbanks, Anchorage, and Juneau.

There are only 7,270 miles of highways in Alaska, and 2,157 of them are paved. All Southeastern Alaska communities are accessible only by boat or air, and air travel is the only connection between bush villages and populated areas. Telephone communication is nonexistent in many villages.

Environment factors which affect the development of human services in Alaska have been compounded with growth and change in the State in recent years. Urban areas have had to grow rapidly to meet the sophisticated demands of development, and many indigenous people are struggling with the transition between village life and urban ways. Consequently, Alaska has the highest rate of residential alcoholism in the country, the highest child abuse rate, one of the highest suicide rates, and a divorce rate that is 57 percent higher than the national average. Juveniles between the ages of 10 and 18, who represent 12 percent of the State's total population, account for 53 percent of Alaska's Part I criminal offenses.

In many areas of the State, shelter alternatives for status offenders who cannot be returned to their homes are presently nonexistent; and, where they do exist, they are not geared to handling children who may out of control from alcohol abuse. Providing one of these shelter facilities in Alaska easily equals Alaska's yearly allotment of Juvenile Justice and Delinquency Prevention Act funds.

The Division of Corrections estimates it will cost at least $100,000 to modify one state facility for the separation of juveniles and adults. At least five other facilities are in need of this kind of modification, and there are any number of small facilities under local jurisdiction in remote areas that are out of compliance.

In order for Alaska to continue to participate in the juvenile justice program, amendments to this Act during its re-authorization must:

(1) Permit states to proceed with the implementation of the Act's major objectives at a pace that is appropriate for each state and;

(2) Permit states to expend allocated funds to effect implementation of sections 23 (12) and (13) on the basis of local needs rather than federal requirements.

The need to provide services to youth and equitable juvenile justice throughout Alaska is critical. I urge your assistance in making this Act viable for juveniles in all states, those that do not have the financial capabilities for immediate compliance as well as those that do. Historically Alaska's statutes have supported the philosophy and intent of the Juvenile Justice Delinquency and Prevention Act, and it is my hope that the Act will be amended to permit our continued participation.

Sincerely,

JAY S. HAMMOND,
Governor.

APRIL 14, 1977.

Hon. JOHN C. CULVER,
U.S. Senator,
Dirksen Senate Office Building,
Washington, D.C.

DEAR SENATOR CULVER: The need to provide equitable juvenile justice services to Alaskan children continues to be critical.

After two years of participation under the Juvenile Justice and Delinquency Prevention Act of 1974, Alaska cannot fully meet the requirements of Sections 223 (12) and (13). Although Alaska statutes, case law, and court rules have been in agreement with the Juvenile Justice and Delinquency Prevention Act for as long as twenty years, the fiscal and financial realities of delivering juvenile justice services on an equitable basis in all of Alaska, preclude our state from meeting the mandated time frames of the Act.

Current Alaska Division of Corrections' estimates for modification of one state facility for the separation of juvenile and adult offenders is $100,000.00. At this point, five additional facilities need similar modification. Due to the limited funds received by Alaska for planning and implementation under the Act, no accurate data exists on the needs and costs of the many small facilities under local jurisdiction in the remote areas of the state. In fact, it is still difficult to ascertain when these facilities simply serve as the only available building where any child can be housed for safety sake as opposed to the instances where a child has actually entered the justice system. We can, however,

project that most local facilities will require major modification. Additionally, shelter alternatives for Alaska's juveniles do not exist. To provide one such facility at current building costs, will easily consume the yearly Alaskan allotment of Juvenile Justice and Delinquency Prevention Act funds.

The current juvenile justice emphasis in Alaska has been on prevention. It is an approach which I believe is most cost effective as well as philosophically sound.

Because the Juvenile Justice and Delinquency Prevention Act has afforded better planning and focus on juvenile problems in Alaska, I would like to see continued Alaskan participation. To do so, the state will require that modifications be made to the Act during its reauthorization. One of the following amendments would permit Alaska's continued participation:

1. Permit states wtih vast rural areas to participate under a substantial compliance requirements, for example a compliance of ninety percent; or,

2. Permit the Assistant Administrator of LEAA to grant exemptions to the current requirements of one-hundred percent compliance under specific criteria to be established by Congress; or,

3. Exclude from consideration, when viewing compliance, communities which have a population of less than 1,000 people and which are unconnected by roadways; or,

4. Extend the mandated time-frames for compliance and increase the federal financial support for states where unique climatic and cultural conditions severely hamper implementation under traditional federal revenue formulas.

It is my belief that Alaska can be in eighty to ninety percent compliance, in its five major urban areas, within a short period of time. Similarly, it is reasonable to estimate that remote villages, just this year receiving telephone service, will need at least six years and a significant amount of increased planning and implementation funds in order to be in compliance.

I assure you that Alaska wishes to continue its history of equitable and progressive juvenile justice planning and services. Our continued participation in the Act will, however, depend on the state's financial ability to do so within more flexible time frames. We request that federal allocations and time frames under the Act be made more flexible for those states, like Alaska, who are endeavoring to comply.

Respectfully,

GAIL H. ROWLAND,
Chairman, Governor's Advisory Board on Juvenile Justice and Member, Governor's Commission on the Administration of Justice.

Enclosure: 1.

[From: The Juvenile Justice Community Crime Prevention Standards and Goals Task Force Report, 1976]

INTRODUCTION

If you live in Barrow and are unemployed, and your roof leaks and it is thirty degrees below zero, and your child is in Anchorage to get an education, and crime is said to be 100% alcohol related, and the major source of revenue in Barrow is from alcohol, and there are nine year old alcoholics, and there are no playgrounds, and it is dark all winter, and a judge in Fairbanks closes your jail because it is unsafe: it is not too difficult to identify the problems, but it is very difficult to identify solutions.

If you live in Ketchikan and it rains more than 100 inches a year, and it is isolated on a long island, and most jobs are dependent on trees and fishing and world markets, if the juvenile officer position was defunded and a status symbol for a kid is to get into enough trouble to get sent out, and people from the upper part of the State keep flying in and telling you how to solve your problems: it is not too difficult to identify the problems, but it is not always easy to come up with solutions.

If you live in Anchorage and it is growing like crazy and there are more than 20,000 new cars on the streets in one year and jobs on the Slope pay a fortune and the average income exceeds $19,000, and both Mom and Dad work to pay the rent, and school gets out at 2:00 p.m. and there is no place to go and no way to get there if there were: it is fairly easy to identify the problems and to think of a few solutions.

If you are at the Crime Prevention Task Force meeting and you are a planner, you say the problems are sudden economic growth and development, transient

people unemployment, and cost of housing. If you are at the Task Force meeting and you are an employee of the justice or social service system, you talk about lack of funds for programs, insufficient data to identify the problem, and no alternative service. If you are a police officer at the meeting, you talk about lack of specialized training, lack of recreational facilities, and lack of community involvement. If you are at the meeting and you are at the meeting and you are a volunteer citizen, you talk about housing, schools, playgrounds, and jobs.

The rural people with their sparse and low density population, their marginal economies, and their homogenous cultures, live with the symptoms of crime daily; they live so close to basic survival that solutions within their communities have almost ceased to be identifiable.

The urban people with their rapid growth and high density population with their boom-or-bust economies, with their increasingly heterogeneous cultures, latch on to one or two visible solutions and believe that all their problems will go away.

The urban solutions are: "We need planning and viable alternatives." The rural reply is: "Planning by whom and alternatives to what?"

Senator BAYH. Mr. Chairman, could I ask unanimous consent that certain questions that I did not have a chance to ask relative to the extent to which the Federal Government is involved in placing juveniles in a commingled situation and some other related questions to the witnesses be included? Also I would request that some material relative to another program that we have been looking at in this subcommittee—as I am sure you are aware—the school vandalism and violence problem, be put in the record at this time.

Senator CULVER. Without objection, it is so ordered.

[The following questions were submitted by Senator Bayh to Mr. Gregg and his answers therto:]

Question 1. Do SPA's lack the authority to monitor jails, detention and confinement institutions as required by Sec. 223 (a) (14)?

Response. The SPA's responsibility for plan supervision, administration, and implementation is spelled out in the JJDP Act as well as in chapter 2, paragraph 27 of Guideline Manual M4100.1F. The act and application requirements are as follows:

PLAN SUPERVISION AND ADMINISTRATION

(1) *Act Requirement.*—According to Section 223(a)(1) of the JJDP Act, the State plan must designate the State Planning Agency established by the State under Section 203 of the Crime Control Act as the sole agency for supervision of the preparation and administration of the plan.

(2) *Application Requirement.*—The SPA must provide an assurance that is the sole agency for administration of the plan.

PLAN IMPLEMENTATION

(1) *Act Requirement.*—Section 223(a)(2) of the JJDP Act requires the State Plan contain satisfactory evidence that the State Agency designated has or will have authority to implement the plan.

(2) *Application Requirement.*—(a) The SPA must specify how it has and will exercise its requisite authority to carry out the mandate of the JJDP Act.

(b) If the SPA does not currently have the authority to implement the JJDP component of the plan, it should describe what steps will be necessary within the State to give it the authority.

The monitoring requirements in the guideline are as follows:

(1) *Act Requirement.*—Section 223(a)(14) requires that the State Plan "provide for an adequate system of monitoring jails detention facilities, and correctional facilities to insure that the requirements of Section 223(12) and (13) are met, and for annual reporting of the results of such monitoring to the administrator."

(2) *Plan Requirements.*—(a) The State Plan must indicate how the State plans to provide for accurate and complete monitoring of jails, detention facili-

ties, correctional facilities, and other secure facilities to insure that the requirements of Sections 223(12) and (13) are met.

(b) For purposes of paragraph 77h, above, the monitoring must include a survey of all jails, lockups, detention and correctional facilities, including the number of juveniles placed therein during the report period, the specific offense charged or committed, and the disposition, if any, made for each category of offense.

(c) For purposes of this paragraph, the monitoring must include a survey of all jails, lockups, detention and correctional facilities in which juveniles may be detained or confined with incarcerated adults, including a detailed description of the steps taken to eliminate regular contact between juveniles and incarcerated adults.

(d) The State Plan must provide for annual on-site inspection of jails, detention and correctional facilities.

(e) Describe the State Plan for relating the monitoring data to the goals, objectives, and timetables for the implementation of paragraphs h and i as set forth in the State Plan, in the annual report to the Administrator.

(3) *Reporting Requirement.*—The State Planning Agency shall make an annual report to the LEAA Administrator on the results of monitoring for both paragraphs 77h and i. The first report shall be made no later than December 31, 1976. It, and subsequent reports, must indicate the results of monitoring with regard to the provisions of paragraphs 77h and i, including:

(a) Violations of these provisions and steps taken to ensure compliance, if any.

(b) Procedures established for investigation of complaints of violation of the provisions of paragraphs h and i.

(c) The manner in which data were obtained.

(d) The plan implemented to ensure compliance with (12) and (13), and its results.

(e) An overall summary.

Two legal opinions (Nos. 76–6 and 76–7) issued by the Office of General Counsel speak directly to the SPA authority. Legal opinion 76–6 concludes, in part:

"The requirements of Section 223 extend throughout the State. In submitting its application for funds under the Juvenile Justice Act, a State is committing itself to meeting the statutory provisions of Section 223(a) (12) and (13) Statewide. This conclusion is based upon the statutory language and the explicit requirements of the State Planning Agency Guideline, supra, par. 82 h–j. A State accepting Juvenile Justice Act funds is expressing its intent to provide for Statewide accomplishment of the goal of deinstitutionalization of status offenders and the separation of adult and juvenile offenders through the accomplishment of the State plan objectives established by the State planning agency, the State agency which, as mentioned earlier, must have the authority to implement the State plan. The State planning agency, although not an operational agency, has a variety of options, means and methods with which to effectuate these provisions. They include agreements with operating agencies, legislative reform efforts, public education and information, funding to establish alternative facilities, and other methods planned to achieve those goals. It is implicit in the Juvenile Justice Act that failure to achieve the goals of Section 223(a) (12) and (13) within applicable time constraints will terminate a State's eligibility for future Juvenile Justice Act funding. Certainly, this would be the case if any county or agency 'chose' not to comply."

Legal opinion 976–7 states, in part:

Each SPA has responsibility for monitoring "jails, detention facilities, and correctional facilities" under Section 223(a) (14). A State planning agency may attempt to obtain direct authority to monitor from the governor or legislature, may contract with a public or private agency to carry out the monitoring under its authority, or may contract with a State agency, which has such authority, to perform the monitoring function. Formula grant "action" program funds would be available to the SPA for this purpose since monitoring services (or funds for those services) are of a "program" or "project" nature related to functions contemplated by the State plan."

CONCLUSIONS

(1) Section 223(a) (12) requires that States deinstitutionalize status offenders within two years after submission of their initial plan under the Juvenile Justice Act.

(2) Section 223(a)(13) requires immediate separation of alleged or adjudicated delinquents and incarcerated adults only if no constraints to implementation are identified. Otherwise, identified constraints and the State's approved plan, procedure and timetable for implementation will determine the time limitation.

(3) Section 223(a)(2) requires that the State planning agency have the same authority to implement the Juvenile Justice Act plan that it must have to implement the Crime Control Act plan. While this does require that the State planning agency have authority to cause coordination of services to juveniles Statewide, it does not require that the State planning agency have direct operational authority over State agencies providing services to juveniles.

(4) Compliance with Section 223(a) (12) and (13) can be achieved through a grant of direct authority to the SPA from State government or through a wide variety of programmatic efforts.

(5) A failure to conform with the Section 223(a) (12) and (13) requirements may result in plan rejection or fund cut-off at any point in the planning process or implementation of the plan. Only if there is a definite showing of a lack of "good faith" on the part of the State planning agency in the application process or in meeting the milestones established in the State's timetable would LEAA consider action to recover Juvenile Justice Act funds granted to a State. Failure to meet the 223(a)(12) requirement within two years will result in fund cut-off, irrespectvie of "good faith" planning and implementation, unless the failure is de minimus.

(6) As SPA may be granted direct authority to perform the Section 223 (a)(14) monitoring function or may contract with a public or private agency, under appropriate authority, for the performance of the monitoring function.

In response to the requirement contained in Section 223(a)(14), participating states submitted their initial monitoring reports on December 31, 1976. The analysis of these reports indicates that there were two general problems with the monitoring effort. First, and of largest impact, was that most States waited until the fall of 1976 to begin the data collection effort. Thus, there was not enough lead time for the facilities to collect the proper data, for jurisdictional problems to be worked out, nor time to revise the methodology in light of the first-run problems. It is expected that the data generated for the next submission will be much more complete. The second problem is that most States did not fully understand the guideline on what had to be monitored. Responses were received that stated as they had no jurisdiction over jails.

Those facilities were not reviewed. Furthermore, only Alaska, District of Columbia, and Puerto Rico monitored the private facilities that they placed youth in. These facilities fall under the requirement of "all secure facilities." It is expected that feedback from the review of the 1976 submissions will solve this problem. Some States also had informal monitoring procedures which must be firmed up in future efforts.

LEGISLATION

DSO (Section 223 A 12)

Ten States (Iowa, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Oregon, California, Florida) have existing laws to effect deinstitutionalization. Four other States (Alaska, Delaware, New Mexico, and Georgia) have proposed legislation concerning DSO presently before their legislatures. The legislation varies widely in its effect. For example, Maine's law only prohibits status offender commitments and Iowa's only pertains to training schools. New Jersey's mandates that the counties set up non-secure detention centers for youth and eliminate all other placements.

Separation (Section 223 A 13)

Nineteen States (Arkansas, Connecticut, District of Columbia, Massachusetts, Maryland, Maine, Louisiana, Iowa, Illinois, New York, New Mexico, New Jersey, New Hampshire, Missouri, Washington, Arizona, Texas, Florida, Georgia) have existing laws concerning the separation of juveniles from adults. This usually consists of a mandate that all youth be kept separate from committed adults in facilities that hold both or mandating that no youth may be placed in adult facilities including jails. However, some States have variations. In New York approval must be granted for a youth to be placed in an adult-holding facility, and in Missouri only first and second class counties are required to separate. One State, New Mexico, has proposed law on separation before their legislature.

While some States had laws concerning DSO and separation that predate the Juvenile Justice Act, by far the majority have passed legislation in order to assist their efforts in achieving compliance. Thus, the Act has had a significant effect in this area. One problem that limits the effect is that violations of the State laws do occur. Only eight (Arkansas, Delaware, Idaho, Illinois, Maine, Massachusetts, New Jersey, Rhode Island, Texas) of the 37 reports received and reviewed so far mention the procedure which will be followed if there is a report of a violation. In addition, violations will not be found unless there is a monitoring system that looks for such violations.

Question. Is additional legislative authority necessary?

Response. As indicated in Legal opinion 76–7, most SPAs lack direct authority over operational agencies. Thus, compliance with Section 223(a) (12) and (13) will require the establishment of agreements with operating agencies using a variety of methods, options and means to accomplish these requirements.

The monitoring reports indicate that states are: (1) Completing the monitoring with in-house SPA staff; (2) working with other state agencies who have responsibilities for monitoring, such as youth authorities; Department of Corrections, and State jail inspectors; (3) contracting with private non-profit groups such as schools of social work, and criminal justice institutes; and (4) using data available through juvenile officers' associations, uniform crime reports, and court services.

The Act requirements and guidelines concerning the SPA responsibility are clear. Monitoring, data collection and compliance are state and local issues. The SPAs are responsible for monitoring and compliance issues. If necessary, they may enter into agreements with appropriate state, county and/or local operating agencies to obtain the necessary information. However, it appears that many localities see little purpose in cooperating with the SPAs in the collection of this data when they see no benefit to their program or operations. Thus, if additional legislative authority is necessary, it would be at the state and local level.

Question 2. Why isn't two years an adequate period within which to require the deinstitutionalization of status offenders?

Response. While the JJDP Act currently requires all States participating in the formula grant program to deinstitutionalize status offenders within two years, the testimony before the Committee and other available information indicates that a time extension is appropriate and necessary. Absent some flexibility regarding the deadline for compliance, many of the 46 states and territories currently participating in the Act may have to withdraw or have their eligibility terminated. The termination or withdrawal of states who have made a good faith effort to meet the Act's requirements would serve no purpose and might well set back present efforts to reform the juvenile justice system.

Other factors which must be considered in assessing why two years isn't adequate for deinstitutionalization of status offenders include:

(a) *Level of Funding*: To date, $77 million have been awarded under the formula grant program. In the first year of the program, $9.25 million was available to the States; $24.5 million in FY 76 and $43.3 million in FY 77. These figures represent considerably less funds than were anticipated by the States. The limited funding coupled with the Act's requirements have had a great impact on State's participation as well as on compliance with the deinstitutionalization requirement. Those States which have elected not to participate in the Act cite limited funding and extensive requirements as key factors in their decision not to participate. Those states which are participating have continually voiced their concern over the problem of revamping the juvenile justice system with such a small amount of resources. For example, one State estimated that the cost of meeting the requirements of deinstitutionalization and separation could cost one hundred times the amount of Federal funds which participation in the Act would bring into the state. For many states, the $200,000 minimum allocation required under the Act has become the maximum. In fact, in FY 77, 13 states received the $200,000 allocation, and 8 more received less than $500,000.

While most states have had to focus their funds almost exclusively in the deinstitutionalization area due to the two year time limit, there are numerous other requirements imposed on the States by the Act. These requirements include: separation of juveniles and adults in detention and correctional facilities; monitoring to ensure separation and deinstitutionalization; detailed study of State needs; and coordination of services to juveniles, to name a few. One

key to full participation and successful implementation is obviously adequate funding.

(b) *State Juvenile Codes:* Participation in and compliance with the Act's requirements has necessitated major efforts at the State level directed toward revision of juvenile codes regarding status offenders and separation of juveniles and adults in detention and correctional facilities. While some states had statutes in these areas prior to the passage of the Act, some states have passed and more are attempting to pass juvenile code revisions to assist their efforts in achieving compliance. The need for such legislative changes has impacted state compliance with the deinstitutionalization requirement.

(c) *Monitoring Data*: Lack of data in states regarding status offenders and children in custody has made it difficult for states to adequately plan for deinstitutionalization of status offenders as well as monitor compliance at the state and local level. The initial monitoring reports submitted by participating states on December 31, 1976, indicated that many states are experiencing difficulty in collecting data to fully indicate the extent of their progress with the deinstitutionalization and separation requirements.

(d) *Coordination of Services to Juveniles:* The deinstitutionalization mandate requires states to establish workable mechanisms to increase coordination between youth serving agencies within states. The need for coordination coupled with unfamiliarity with the Act requirements, produced delays in program development and implementation.

Question 3. What extent does the Federal Bureau of Prisons contract for the placement of federal prisoners in facilities that commingle juveniles and adults, contrary to the thrust of Sec. 223(a)(13)?

Response. LEAA/OJJDP doesn't have this information available and we suggest that you contact Ms. Constance T. Springmann, Assistant Administrator, Detention and Contract Service Branch, Bureau of Prisons, 320 First St., N.W., Washington D.C., 724-3171.

Question 4. Do we know how many federal dollars are currently expended to sustain the secure placement of non-offenders, such as neglected or dependent children or status offenders? Wouldn't such an assessment be an appropriate priority of the Coordinating Council?

Response. We do not currently have this information available. The difficulties of determining these expenditure levels are due, in part, to the lack of reliable data from the states regarding the placement and treatment of status offenders and, in part, to the difficulties associated with imposing reporting requirements on general units of government and other recipients of federal funds.

The need for this information in formulating federal policy is critical. While the Coordinating Council is currently at a transition point, LEAA is committed to the development of the Council as a strong and viable organization for the coordination of policies, programs, and priorities among federal departments and agencies which administer juvenile programs. As the Coordinating Council develops a plan of action and formulates goals and objectives, the identification of federal funding which sustains the secure placement of non-offenders will be an appropriate priority.

Question 5. Would you please submit the definitions of correctional institutions, detention facilities and other related terms, so they can be included in the Committee Report on S. 1021?

Response. A copy of the guideline containing the requested definitions is appended.

[Appendix to Responses to Senator Bayh's Questions (Question 5)]

DEFINITIONS

Section 223(a)(12)-(14)

Chap. 3/Par. 52i(4), page 57, is amended to read as follows:

"(4) *Implementation.*—The requirements of this section are to be planned and implemented by a State within two years of the date of its initial submission of an approved plan, so that all status offenders who require care in a facility will be placed in shelter facilities rather than juvenile detention or correctional facilities."

Chap. 3/Par. 52i(5), pages 57–58, is amended to read as follows:

"(5) *Plan Requirement.*—(a) Describe in detail the State's specific plan, procedure, and timetable for assuring that within two years of the date of its initial submission of an approved plan, status offenders, if placed in a facility, will be placed in shelter facilities rather than juvenile detention or correctional facilities. Include a description of existing and proposed juvenile detention and correctional facilities.

(b) A *shelter facility*, as used in Section 223(a)(12), is any public or private facility, other than a juvenile detention or correctional facility as defined in paragraph 52k(2) below, that may be used, in accordance with State law, for the purpose of providing either temporary placement for the care of alleged or adjudicated status offenders prior to the issuance of a dispositional order, or for providing longer term care under a juvenile court dispositional order."

Chap. 3/Par. 52k(2) and (3), pages 59–60, are redesignated as Par. 52k(3) and (4) respectively. A new Par. 52k(2) is inserted to read as follows:

"(2) For purposes of monitoring, a juvenile detention or correctional facility is:

1. any *secure* public or private *facility* used for the *lawful custody* of *accused or adjudicated juvenile offenders;* or

2. any public or private facility used primarily (more than 50 percent of the facility's population during any consecutive 30-day period) for the lawful custody of accused or adjudicated *criminal-type offenders* even if the facility is non-secure; or

3. any public or private facility that has the bed capacity to house twenty or more accused or adjudicated *juvenile offenders or non-offenders*, even if the facility is non-secure, unless used *exclusively* for the lawful custody of *status offenders* or non-offenders, or is *community-based;* or

4. any public or private facility, secure or non-secure, which is also used for the lawful custody of accused or convicted *criminal offenders*.

For definitions of underlined terms, see Appendix I, paragraph 4 (a)–(m).

Where State law provides statutory distinctions between permissible and impermissible placements for alleged and adjudicated status offenders that are compatible with the above definition, the LEAA Administrator may, at the request of the State planning agency, consider a waiver of the express terms of the definition and substitution of the compatible State statutory provision(s)."

Appendix I, item 4, page 3, is redesignated item 5. A new item 4 is inserted to read as follows:

"4. *DEFINITIONS RELATING TO PAR. 52, SPECIAL REQUIREMENTS FOR PARTICIPATION IN FUNDING UNDER THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974.*

(a) *Juvenile Offender*—an individual subject to the exercise of juvenile court jurisdiction for purposes of adjudication and treatment based on age and offense limitations as defined by State law.

(b) *Criminal-type Offender*—a juvenile who has been charged with or adjudicated for conduct which would, under the law of the jurisdiction in which the offense was committed, be a crime if committed by an adult.

(c) *Status Offender*—a juvenile who has been charged with or adjudicated for conduct which would not, under the law of the jurisdiction in which the offense was committed, be a crime if committed by an adult.

(d) *Non-offender*—a juvenile who is subject to the jurisdiction of the juvenile court, usually under abuse, dependency, or neglect statutes, for reasons other than legally prohibited conduct of the juvenile.

(e) *Accused Juvenile Offender*—a juvenile with respect to whom a petition has been filed in the juvenile court alleging that such juvenile is a criminal-type offender or is a status offender and no final adjudication has been made by the juvenile court.

(f) *Adjudicated Juvenile Offender*—a juvenile with respect to whom the juvenile court has determined that such juvenile is a criminal-type offender or is a status offender.

(g) *Facility*—a place, an institution, a building or part thereof, set of buildings or an area whether or not enclosing a building or set of buildings which is used for the lawful custody and treatment of juveniles and may be owned and/or operated by public or private agencies.

(h) *Facility, Secure*—one which is designed and operated so as to ensure that all entrances and exits from such facility are under the exclusive control of the staff of such facility, whether or not the person being detained has freedom of movement within the perimeters of the facility or which relies on locked rooms and buildings, fences, or physical restraint in order to control behavior of its residents.

(i) *Facility, Non-secure*—a facility not characterized by the use of physically restricting construction, hardware and procedures and which provides its residents access to the surrounding community with minimal supervision.

(j) *Community-based*—facility, program, or service means a small, open group home or other suitable place located near the juvenile's home or family and programs of community supervision and service which maintain community and consumer participation in the planning, operation, and evaluation of their programs which may include, but are not limited to, medical, educational, vocational social, and psychological guidance, training, counseling, alcoholism treatment, drug treatment, and other rehabilitative services.

(k) *Lawful Custody*—the exercise of care, supervision and control over a juvenile offender or non-offender pursuant to the provisions of the law or of a judicial order or decree.

(l) *Exclusively*—as used to describe the population of a facility, the term "exclusively" means that the facility is used only for a specifically described category of juvenile to the exclusion of all other types of juveniles.

(m) *Criminal Offender*—an individual, adult or juvenile, who has been charged with or convicted of a criminal offense in a court exercising criminal jurisdiction."

Senator CULVER. Our next witness is Arabella Martinez, Assistant Secretary, Department of Health, Education, and Welfare. I understand that you are accompanied by Jeanne Weaver, Acting Commissioner of the Office of Youth Development, HEW.

Again, in the interest of time, Ms. Martinez, we would appreciate it if you would be kind enough to try to summarize your remarks.

STATEMENT OF ARABELLA MARTINEZ, ASSISTANT SECRETARY FOR HUMAN DEVELOPMENT, HEW, ACCOMPANIED BY JEANNE WEAVER, OFFICE OF YOUTH DEVELOPMENT [1]

Ms. MARTINEZ. Thank you, Mr. Chairman.

I am pleased to have the opportunity to testify on the Runaway Youth Act, title III, and to advise you that we have submitted legislation to Congress to provide a 1-year extension of this program. During this extension, we intend to assess our role in relationship to youth and their families and consider future action in this area.

As you know, the Runaway Youth Act was a response of Congress to a growing concern about a number of young people who were running away from home without parental permission and who, while away from home, were exposed to exploitation and to other dangers encountered by living alone in the streets.

This Federal program helps to address the needs of this vulnerable youth population by assisting in the development of an effective community-based system of temporary care outside the law enforcement structure and the juvenile justice system.

Until recently, there were no reliable statistics on the number of youth who run away from home. The National Statistical Survey on Runaway Youth, mandated by part B of the act and conducted during 1975 and 1976, found that approximately 733,000 youth between the ages of 10 and 17 annually runaway from home for at least overnight.

[1] See p. 69 for Ms. Martinez's prepared statement.

We would like to submit that report for the record.[2]

Ms. MARTINEZ. During the past 3 years, we have found that the youth seeking services are not the stereotyped runaway of the sixties—the runaways who leave a stable, loving home to seek their fortunes in the city or to fill a summer with adventure.

Runaways of the seventies, in contrast, are the homeless youth, the youth in crisis, the pushouts, and the throwaways. The severity of the problems facing runaway youth today is clearly indicated by the statistics related to why they run away from home.

Two-thirds of the youth seeking services from HEW-funded projects cited family problems as the major reason for seeking services. These problems included parental strife, sibling rivalries and conflicts, parental drug abuse, parental physical and sexual abuse, and parental emotional instability. Nearly an additional one-third of the youth were experiencing problems pertaining to school, interpersonal relationships, and legal, drug, alcohol or other problems.

In many communities the HEW-funded projects constituted the only resource youth can turn to during their crises. During fiscal year 1977, $8 million has been made available to provide continuation funding to the 131 current community-based projects. These projects include the National Runaway Switchboard, a toll-free hotline serving runaway youth and their families through the provision of a neutral communication channel as well as a referral resource to local services.

The projects funded by HEW are located in 44 States, Puerto Rico, Guam, and Washington, D.C. It is anticipated that these projects will serve more than 57,000 youth and their families during fiscal 1977.

Each project is mandated by the act to provide temporary shelter, counseling, and after-care services. Counseling services are provided to individual, group, and family sessions. Projects provide temporary shelter, either through their own facilities or by establishing agreements with group and private homes. Many of the programs have also expanded their services to provide education, medical and legal services, vocational training, and recreational activities.

At the termination of the service provided by the project, approximately 49 percent of the youth served return to their primary family home, with an additional 26 percent being placed with relatives or friends.

Senator CULVER. You mentioned there are 733,000 runaway known today in America.

Ms. MARTINEZ. That is true, annually.

Senator CULVER. On a roughly annual basis.

Ms. MARTINEZ. Yes.

Senator CULVER. Of that number, how many are currently availing themselves of the existing 131 community-based projects?

Ms. MARTINEZ. Approximately 57,000.

Senator CULVER. Only 57,000 out of 733,000 are currently getting some sort of formal care?

Ms. MARTINEZ. It is about 4.6 percent.

Senator CULVER. That is 4.6 percent of the eligibles.

---

[2] The report The National Statistical Survey on Runaway Youth is being retained in committee files.

You are now in the process of giving us a breakout of recidivism on the 4.6 percent that actually are subjected to this process; right?

Ms. MARTINEZ. Not recidivism, sir.

Senator CULVER. I mean they run away again.

Ms. MARTINEZ. No, no. We are saying that they return home.

Senator CULVER. Well, of the 4.6 percent being serviced, how many return home after shelter experience?

Ms. MARTINEZ. Approximately 49 percent——

Senator CULVER. How many youngsters return home?

Ms. MARTINEZ. If we serve 57,000 people, we are talking about returning home approximately 27,000 or 28,000 youngsters.

Senator CULVER. What happens to the other half?

Ms. MARTINEZ. Half of the 733,000 runaways really run away to——

Senator CULVER. Excuse me; I am not making myself clear.

How about the other half of the 4.6 percent that you handle?

Ms. MARTINEZ. Another 26 percent of those are placed with relatives or friends or in foster care or other residential homes or independent living situations. So, we are talking about a total of around 75 percent that are placed in another setting. Twenty-five percent either return to the streets or someplace else.

Senator BAYH. Of the 733,000 runaways, are those individual boys and girls, young men and women, who have run away at least once; or is commingled in there a number of people who have a tendency to run away two or three times? Are we talking about 733,000 different individuals; or are we talking about acts of running away?

Ms. WEAVER. We are talking about individuals, 733,000 young people who are away from home at least overnight per year.

Senator BAYH. In the study, did I understand you to say that you were not going to examine the problem of recidivism?

In other words, of the 57,000, how many of them run away a second or third time? That is one way of telling whether or not a program is working, or whether we are kidding ourselves.

Senator CULVER. You said that there are essentially 25 percent that you lose again.

Senator BAYH. Those are the ones that are not returned home——

Ms. MARTINEZ. Those are the people who either do not return home or are not placed in another situation, 25 percent. So, we were not, I would say, successful with those 25 percent.

Senator BAYH. Mr. Chairman, I think we also need to know this: Having returned them to their home or having returned them to a relative or to some other setting, do they run away again?

Ms. MARTINEZ. We would like to provide that information to you for the record.

[The following information was subsequently received for the record:]

The National Statistical Survey on Runway Youth found that approximately 10 percent of the youth who were interviewed had run away from home more than once during the same year. In the Survey, running away was defined as being away from home at least overnight without the consent of the parent(s) or legal guardian. However, it should be noted that only 2 percent of the total number of youth interviewed during the Survey had received services from an OYD-funded project. More precise data on the number of runaway episodes on the part of the youth served by the OYD-funded projects; the number of youth who run again after receiving services from the OYD-funded projects; and, the num-

ber of youth who return to OYD-funded projects for additional services are being compiled and will be available in late fall.

Senator BAYH. In other words, we think our program is working, but if it is not we would like to know. One way of telling is, of those we reach and of those we place, how many are we successful with. Is that a fair question?

Ms. MARTINEZ. We only serve in the crisis situation. It is a very immediate kind of service. It is not long-term service.

The program has not been designed to provide long-term service. So, if there is recidivism, it is because we have not been able to have a great deal of impact because of the nature of the service. It is not long-term counseling. We do not have the resources to do that.

We are very concerned within HEW about the severe problems experienced by the young people whom we are serving. Currently, we are examining the special needs of runaway youth due to factors such as race, ethnicity, age, and sex.

We are also looking at the techniques and methods for providing services to prevent the occurrence of runaway behavior. Most importantly, we are exploring the provision of services to youth within a broader, national social services strategy which will minimize the fragmentation of service and maximize the impact.

We therefore believe that it is essential that we more precisely identify the service needs of youth experiencing crisis and examine the most appropriate vehicles to deliver services to these youth and their families. As part of this effort, we must also carefully examine whether services for runaways and their families should be provided separately from services for youth and families experiencing other problems.

Based on the review of the information generated from our current studies and from an examination of the role of HEW in the provision of services to the broader population of young people, we proposed to determine what modifications are required to respond to the changing needs of these people. We invite your participation in this process and hope we will be able to work together to develop a sound strategy.

For this reason, we are requesting only a 1-year extension of the act.

I will try to answer any questions you have.

Senator CULVER. As I understand it, the 1-year extension is to afford you an opportunity to really look at the internal administrative service delivery activities of the entire department in terms of welfare generally and of the interrelatedness of the problem.

Ms. MARTINEZ. That is true, but especially in the Office of Human Development.

Throughout the Department we are looking at what the programs are and who they serve and how they serve them.

Senator CULVER. What funding level are you requesting?

Ms. MARTINEZ. We have requested the same level as last year, $8 million. In addition to that $8 million, we have been providing from our research budget, under section 426 of the Social Security Act, another $1 million for research and demonstration services. Plus, we have the salaries and expenses allocation for the program.

Senator CULVER. What is the current level of coordination between the Office of Youth Development and the Office of Juvenile Justice and Delinquency Prevention?

Ms. MARTINEZ. I am going to let Ms. Weaver answer that.

Ms. WEAVER. Currently, we sit on the Federal Coordinating Council, which LEAA chairs. In addition, we are working rather closely with them on the issue of deinstitutionalization and have jointly funded a research project to look at the impact of deinstitutionalization on HEW programs and services.

Senator CULVER. How substantively meaningful has this interagency coordination been?

Ms. WEAVER. I feel the value of the coordination has often been in the work we have been able to undertake together around specific issues, such as deinstitutionalization.

Senator CULVER. Do you think you can really address this problem without considering this in a larger social context of family problems and welfare? Are we really taking off a slice here of a narrow nature without considering this in a larger social context of family problems situation?

Ms. MARTINEZ. I think one of the major problems we have in HEW—and maybe in other Federal departments—is the kind of categorization and fragmentation of programs. I do not believe that we can address any of the problems of youth in a runaway youth program; we are addressing one part of the problem and one piece of an individual and are not addressing the needs of families of which these young people are a part.

We are looking forward to examining the whole issue of families next year and eventually, to have a White House Conference on Families. As you probably are aware, HEW programs and most Federal programs are not addressed to families but are addressed to the particular individual client. I think that has been a problem generally throughout the Government.

Senator CULVER. Do we have anything that addresses the subject of families in the entire Federal structure?

Mr. MARTINEZ. Not really; and that is why we are asking for——

Senator CULVER. You mentioned in your checklist of runaway motivation that three things really were directly attributable to parental breakdown. We have how-to-do-it books on every subject except how to be a parent in America and what the responsibilities are of the social aspects of being a parent.

Ms. MARTINEZ. I think that families are under a great deal of stress. I do not think we have dealt with the problems of families. Somehow we just thought families could make it on their own—that if the Government intervened, it would mess things up.

Senator CULVER. We have hardly provided an inspiring model for more than they are messed up now in America, given the statistics on divorce rates and suicide rates among young people. It is hardly a roaring success with Government out.

Ms. MARTINEZ. I would agree.

Senator CULVER. We have hardly provided an inspiring model for the rest of mankind.

Have you seen any noticeable change in the trends? We attributed so much of the youth unrest to the social response from our Vietnam agony. Now that that situation has subsided; have we seen a difference in the trend lines? Do we have a new generation of youth who

are not really victimized by that particular problem? Do you see any difference in volume of runaways?

Ms. MARTINEZ. We never knew who the runaways were before. Now we are getting statistics.

We do not know whether there are more runaways now than there were during that particular era, we do not have that kind of information because the National Statistical Survey on Runaway Youth was just completed.

My feeling about the reaction to the Vietnam war was that that it was a very healthy reaction by youth. That was the kind of thing for which youth stood up and were counted. They had some values and some philosophy.

I think what we are seeing now is that the kids who are in trouble are not in trouble on the basis of——

Senator CULVER. I was not questioning the social value of that protest. As a matter of fact, I was extremely supportive of it.

My question was how much was attributable to their political family problems, antisocial or abnormal conduct and the need to adopt a different environment and lifestyle attributable to that particular situation, as distinguished from a more fundamental, general, different set of motivations? Was that just a marginal contributing number to this staggering statistic?

Ms. MARTINEZ. I really do not know.

Ms. WEAVER. It is difficult to identify precisely the numbers who were affected by that period. I think the young people we are serving now have much more serious problems. These problems can be attributed not only to the family but to other institutions in our society which are not providing the services that the youth need.

Senator BAYH. Ms. Martinez, you are asking for a 1-year extension; that is all?

Ms. MARTINEZ. That is correct, sir.

Senator BAYH. Last year, under an administration which was not committed to this program, the White House asked for a 3-year extension—or HEW asked the White House. President Ford killed it altogether and took the money out of the budget.

President Carter has reinstated the dollar figure, which is basically the $9 million that you referred to. The Secretary is going to ask for a 1-year extension. You are explaining that that is because you really want to see how comprehensive the program should be before you come up with asking for an extension on a new program.

Is that a synopsis of your feeling?

Ms. MARTINEZ. Yes; we are doing this with all of our programs.

Senator BAYH. May I point out an inconsistency that you perhaps are not aware of? Under the Budget Act, it requires that new legislation be proposed at least a year in advance of the expiration of the old program.

You are asking for a 1-year extension. If you only ask for a 1-year extension, then, to conform to what the law says, as far as the Budget Act is concerned, at the same time you ask for the 1-year extension under the law you have to provide for the new program.

How do you get around that? It seems to me a 2-year extension is the minimal amount that you have to ask for if you are going to be able to do the job and conform to the law.

Ms. MARTINEZ. We think it would be a shame to have to wait 2 years to have any impact upon the legislation and upon the program. Yet we really have not had time to examine the program and decide what changes might be appropriate.

Of course, it is not just this particular legislative package. We feel that if we could have that extra time we could develop a better proposal, working with your Committee, and that we would be able to have impact sooner than 1980.

Senator BAYH. I am sure this measure could be improved upon. I am sure this subcommittee will look at what has happened and have some suggestions; I am sure you will.

I do not know how familiar you are with the legislative process; but just saying that you are going to extend it for 2 years does not mean that you cannot come up here a day after 1 year and submit a whole new program, and that could be passed and take effect as soon as the normal legislative process occurs and the President signs the bill.

Are you aware of that? You are not precluded from making any recommendations or impacting the program just because you extend it for 2 or 3 years or whatever it might be.

You are going to be violating the law in October—just plain violating the law. You do not want to. The law says that you are duty-bound to submit a new program at the same time you ask for an extension. I do not know how you are going to keep from violating the law unless you have an extension longer than 1 year.

Ms. MARTINEZ. Sir, I certainly do not want to violate the law. I hope that somebody would bail me out of jail on that one.

Senator BAYH. Hopefully, you won't have to go to jail; that is why I am suggesting this.

Senator CULVER. Maybe just a runaway shelter.

[Laughter.]

Ms. MARTINEZ. As you know, we are caught in a double bind here because we are deeply concerned that the legislation does not address what we consider to be the broader needs of youth. We want to have some impact if we can come up with a proposal before the legislation expires, we would certainly do that. I have no objection to that.

Senator BAYH. It is fair to say that your reason for opposing extension beyond 1 year is your desire to be able to come up as soon as possible with revisions, extensions, and improvements of the present act? Understanding that you have that right anyhow, you would have no hesitation for us extending for longer than 1 year, if one of our reasons for doing that is to keep you out of jail?

Ms. MARTINEZ. If that is the reason; yes, sir.

Senator BAYH. That is not the only reason.

I have another question. The percentage of runaways was what?

Ms. MARTINEZ. It is 4.6 percent.

While this is a low figure, it is important to note that about one-half of the 733,000 youths who run away actually do not run away to the streets; they run away to extended family members or to friends. So, we are talking about more than 9 percent who we actually serve of those who really run away and are on the streets. It is still not a high figure.

Senator BAYH. I understand that the authorization level is part of the desire to only extend as long as it is necessary to revise the program. But, unless you feel this program has not made any contribution at all—do you feel that this program has not made any contribution at all to the children that it has reached?

Mr. MARTINEZ. I think it has made an enormous contribution, in terms of its crisis intervention. And, again, this is only one kind of service. Even with those kinds of restrictions, it has made a significant contribution.

Senator BAYH. Let me suggest that, maybe through the 1-year extension, we ought to raise the target level. In other words, we ought to be asking for more than the $9 million through that extension period so that we can reach more than 4.5 or 9 percent of the young people.

I am very sympathetic with your feeling and the feeling expressed by the chairman's questions and remarks. Runaway houses do not solve the problems of children. If you could solve the problems of children, you would not have 733,000 run away.

It has been our experience—and I think this will change some, but not completely—that you will find that you are going to be confronted by other people within HEW. They are demanding a piece of HEW's pie. As the chairman points out, we have people across the river that are really getting a piece of the pie that ought to be going to HEW.

It seems to me that one of our responsibilities as legislators is to take advantage of those programs that seem to have a real public acceptance and ride those as hard as we can to get as many dollars in those areas as we can. We were faced, in the past administration, with an administration that was making major retreats in the area of dealing with children's problems. Here is one that we almost forced them to take because it was publicly accepted.

I would hope that, during your study of how you can put together a comprehensive youth program, you take into consideration the fact that in the runaway area you have a particularly sensitive area which the public has been made very aware. Do not restructure it so as to deny us the opportunity to get as many dollars in that program, because the public accepts it and is aware of it, in the hopes that those dollars will automatically go someplace else.

I would like to think that that might be the case. But, unfortunately, I do not think it is going to change that much.

Am I making myself clear?

In other words, the reason for structuring that program was not the feeling that this was going to solve the problems of kids.

Ms. MARTINEZ. I think we need to have this program. I think we need more programs for youth. My feeling, in general, is that we have ignored our youngsters and that many of the problems are symptoms of being ignored.

Within that context, I seriously believe that we have not paid attention to what has been going on in society and what has happened to both the structure and functions of families. I want very much to address those issues.

Senator BAYH. Have you gotten far enough along in your study to have an opinion as to whether the inclusion of homeless youths, as

I have included in the bill that I have introduced, is appropriate? Do you support that?

Ms. MARTINEZ. The inclusion of homeless youth?

Senator BAYH. Yes.

Ms. MARTINEZ. Under the Runaway Youth Act?

Senator BAYH. Under the Juvenile Justice and the Runaway Youth Act.

Ms. MARTINEZ. Should we include them?

Senator BAYH. Yes.

Ms. MARTINEZ. I have not really studied that; but it would seem to me that if there are homeless youths, we ought to provide services for them. Exactly in what manner, I am not sure.

Senator BAYH. Why don't you study the way we have included it in the act and see what your opinion is.

I must say I think we are going to find a much different environment of cooperation, Mr. Chairman, working with Ms. Martinez.

Ms. MARTINEZ. You have a social worker on your hands.

Senator CULVER. What is the breakdown of that 733,000 in terms of sex? What is the percentage of young girls?

What is the percentage of young girls?

Ms. WEAVER. I would have to refer to the statistical survey to give you the exact figures. But, much to our surprise, there are more young men running away; almost 52 percent are young men.

Senator CULVER. Is that a trend which is increasing?

Ms. WEAVER. This is the first study that will provide baseline data. Prior to this study, it was our feeling—and I think the feeling on the part of the public—that young women run away from home more often than young men. The study has shown that not to be the case. Young women do seek services more frequently than young men, however.

Senator CULVER. Statistically, they come to your attention more.

They sent out a questionnaire to some small businessmen recently, Senator Bayh. They asked them to fill out a questionnaire on their degree of compliance with nondiscrimination in personnel hiring practices. The first question was, "How many employees do you have broken down by sex?" The answer came back, "None; our problem is alcoholism."

[Laughter.]

I have no further questions of this witness. Do you, Senator Bayh?

Senator BAYH. No, Mr. Chairman.

Senator CULVER. We do thank you very much. We look forward to working with you in the months ahead. Thank you.

Ms. MARTINEZ. Thank you.

Senator CULVER. Our next witnesses appear as a panel.

I request of the panel that you be good enough to make a brief summary of your position. We will make your prepared statements a part of the record.

Under the Senate rules, we have to recess this committee very soon. We will be having more extensive oversight hearings later in the year. I know the expertise and background that you bring to this subject area will be of continual benefit to us.

In the interest of time, I would respectfully request your cooperation.

STATEMENT OF ROLAND LUEDTKE,[1] NATIONAL CONFERENCE OF STATE LEGISLATURES, LINCOLN, NEBR.

Mr. LUEDTKE. Thank you, Mr. Chairman, I am very delighted to be here.

Prior to assuming the job of speaker in the Nebraska Legislature, I served 6 years as chairman of the judiciary committee of my State. That acquaints me with the general problem that you are wrestling with.

I am here representing the National Conference of State Legislatures, some 7,600 State legislators from all of the 50 States. I am trying to represent their policy position here today.

One of the things I think that you have heard over and over again is getting at the juvenile delinquency problem first and then we will not have so many other problems. I know that is an oversimplification of the problem, but I think it is one that we on the State level have to emphasize. For decades, our criminal justice system has placed more emphasis on dealing with crime after it has happened, after it has been committed.

I speak of things that you are well aware of: equipping police with fancy equipment, multiplying the capacity of courts, making correctional facilities more acceptable to the programs which the various States have, dealing with individuals trying to rehabilitate them, and that sort of thing.

In my opinion, this particular point illustrates the backward logic that has plagued our criminal justice system. That is that we do not start at the beginning. If we could stop it at the point of juvenile justice, where the people go into the tunnel of the criminal justice system, we would not have the myriad of problems that we have later on.

That is an oversimplification, Mr. Chairman, but I want to say it at the outset because I think it is primary to our purpose here.

One thing that really plagues us is the fact that, as you well know, a number of States have refused to participate in the program that we are talking about because they felt that the Federal requirements were too strict and unreasonable. It is this lack of participation, Mr. Chairman, that alarms me most.

I am distressed because of the fact that, presently, Federal requirements are actually discouraging some States—my own State, in particular—from participating. I think, Mr. Chairman, that since you are from Iowa you realize the problems of sparsely populated areas in States. So, when we get into areas like deinstitutionalization of status offenders, we have severe problems of administration on the local level. Whether it be county, city, or State level, we have to wrestle with that at that end.

We are within the nose-punching range. That is the reason why we come to you and say we need more than 2 years. This is one of the areas I wish to address myself to.

Another change that we would like to talk about is the change which concerns 223A(3) of the Juvenile Justice Act. That is the one that involves State juvenile advisory groups. We support the change which, I believe, was proposed by Senator Bayh in S. 1021.

[1] See p. 71 for Mr. Luedtke's prepared statement.

This requires an advisory group to advise State legislatures. Of course, you see the interest of State legislators in that approach. We feel that it is long overdue. This partnership between State and Federal Government from Congress to the State legislature should take place. This is an excellent area in which to make it work.

Speaking for my State and all State legislators, we feel that this is one area where the legislator's role is so important when it actually comes to getting down on the line and putting it down for fiscal matters. We have to continue these programs, as you know. Here is where we need this input. We would stress that point, Mr. Chairman.

Our policy position also goes along, I am sure, with some of the people on this panel who are going to recommend changes in the distribution of funds in section 224B, which allows the Federal Government now to retain 25 to 50 percent of the bulk of funds we feel should be distributed through State and local mechanisms.

We are talking about changing the formula, perhaps, from 25 to 50 percent down to a flat 15 percent rate.

We say this because of the fact that, realistically, you do not solve problems in Washington, D.C. You can set up the programs. You do not solve problems in Lincoln, Nebr., for that matter. You solve them out at what I call nose-punching range, down at the local level.

That is the reason that we feel the bulk of these funds are going to have to end up there. We do not want to discourage the people in getting them, but that is where it has to be done.

The other thing I want to talk about in this respect is that we feel that, with regard to our friends who are going to speak here from the counties and cities, we, from State legislatures obviously feel that that ought to be channeled, as far as subsidy goes, through the State legislature rather than direct subsidies from the Federal level to the other local governmental level. This is because of the fact that we have to be responsible for administering local government; counties, cities are the creatures of the individual State.

We feel very strongly that we should use the Federal portion of the Federal Juvenile Delinquency funding through the State. County, city, local political subdivisions should come to the State, through the State legislature, to—I am emphasizing "State legislature" because of some of the LEAA problems that have existed with regard to the participation of State legislatures in the fiscal end of these governmental units.

I know county and city officials have the same problems that State officials do in this regard, particularly the legislative end of it.

I think, other than that, Mr. Chairman, I would conclude my remarks. I think I have hit most of the points in my prepared statement.

Senator CULVER. Thank you very much.

Donald Payne is our next witness.

STATEMENT OF DONALD PAYNE, DIRECTOR, BOARD OF CHOSEN FREEHOLDERS, NEWARK, N.J., REPRESENTING THE NATIONAL ASSOCIATION OF COUNTIES.[1]

Mr. PAYNE. Thank you, Mr. Chairman.

I am Donald Payne from Newark, N.J. I am director of the Board of Chosen Freeholders, Essex County, and chairman of our subcom-

[1] See p. 73 for Mr. Payne's prepared statement.

mittee on juvenile justice for the National Association of Counties.

I have also had the distinction of serving as president of the National Board of YMCA's. I was also involved greatly with the initial enactment of the legislation in 1974.

Mr. Chairman, the National Association of Counties was an early supporter of the Juvenile Justice and Delinquency Prevention Act. We supported it when it was first introduced; we support its reauthorization today.

Comments on a number of specific amendments to the act are incorporated in our formal statement, which I would appreciate having incorporated in the record of these hearings.

I would like this opportunity to address a single concept included in our statement because I think it will be of particular interest to the committee. It is the need for programs to deinstitutionalize status offenders from secure detention and to separate juveniles from adults in traditional facilities. That need has been well-documented.

The recent study of children's defense fund, outlining in sometimes graphic and painful terms what happens to youngsters placed in adult jails, points to a national disgrace. The recidivism rates are but a dramatic manifestation of this dilemma. What, then, is the answer?

We think a major part of the answer lies within the provision of the Juvenile Justice Act. But, for lack of notice, emphasis, or funding, it has not been sufficiently recognized.

We call, Mr. Chairman, your attention to the State subsidy programs outline in section 223(10) (H) of the act.

Mr. Chairman, we suggest that the State subsidy programs, given proper legislative emphasis and adequate funding, could be a useful and highly successful tool in achieving the results desired in section 223(12) and 223(13) and thereby open the door to more States participating in the act.

State subsidy programs of one kind or another currently exist in at least 17 States and give us reason to think they may be an effective weapon in this instance.

This proposal will accomplish three objectives. It will, first of all, provide additional moneys to encourage deinstitutionalization. Second, it would make it possible for many States not currently participating in the act because of financial barriers precluding compliance with section 223(12) and 223(13) to do so.

Third, we feel it would allow States already participating in the act to concentrate efforts on deinstitutionalization while not neglecting other important programs encouraged by the act.

State subsidy programs have a number of attributes deserving of attention. Once instituted, they tend to become long-term programs. They intimately involve not only the States, but a myriad of local public and private agencies concerned with juveniles in a program in which they have a direct interest.

This will not be just another Federal program with Federal dollars to be used while they last on short-term endeavors. State subsidy programs require substantial commitment by local governments, commitment likely to engender serious efforts. Consequently, the proposed program will encourage partnership between the public and private sectors as well as intergovernmental cooperation.

They encourage long-term planning and coordinate not only governmental resources and programs, but, of those substantial efforts sponsored and managed by nonprofit organizations, which in many communities provide the bulk of services directed toward juveniles. We believe that, if State subsidies did no more than encourage coordination, cooperaton, and planning, they would have served well.

Subsidy programs are versatile and can be used to encourage a wide variety of specific goals. States currently utilizing subsidy programs use them to finance community alternatives to incarceration, approaches to youth development and delinquency prevention, diversion programs, and coordinated youth services at the county level.

We have included some descriptions of how subsidy programs work, as an addendum to this testimony.

Mr. Chairman, in conclusion, the National Association of Counties respectfully urge that Congress give serious consideration to establishing a new title to the Juvenile Justice and Delinquency Prevention Act, one that would provide for an independently funded program of State subsidies which would reduce the number of commitments to any form of juvenile facility and also increase the use of nonsecure community-based facilities, thereby reducing the use of incarceration and detention of juveniles and encouraging the development of an organization and planning capacity to coordinate youth development and delinquency prevention services.

We urge that the title be funded separately to infuse new and needed funds directly into the program, encouraging decentralization, deinstitutionalization, and the care of children deinstitutionalized or diverted from institutions.

Such an effort would illustrate to State governments that the Federal Government considers deinstitutionalization of sufficient importance to warrant a special fiscal and legislative effort by Congress and, implicitly, by State and local governments as well.

We are suggesting funding of $50 million the first year, $75 million the second year, and $100 million for the third year.

We have included specific draft language as an addendum to our prepared testimony. It requires a great deal of work by legislative staff; nevertheless, it will give you some sense of our intentions.

Features of this proposed program include incentives to State governments to form subsidy programs for units of general purpose local government to encourage decentralization and encourage organizational and planning capacities to coordinate youth development and delinquency prevention programs, fiscal assistance to States in the form of grants based upon the State's under-18 population, requirements that the State provide a 10 percent match, and that the State in turn may require a 10 percent match from participating local governments, provisions that subsidies may be distributed among individual units of local purpose government in those States not choosing to participate in the subsidy title, providing proper application is made.

In addition, there are provisions that allow funds to go to States. We feel very strongly that this new title, separately funded, would serve as incentives. We feel that it would really deal with the problem

of deinstitutionalization and separating youthful offenders from adult criminals.

Thank you.

Senator CULVER. Thank you very much.

Senator Bayh?

Senator BAYH. Mr. Chairman, I want to say to you and to the committee staff that the witnesses you have chosen for this panel and the second panel are characteristic of your sensitivity in this area and characteristic of what the subcommittee has tried to do to get citizen groups involved in turning this whole thing around and focusing our resources on preventing juvenile crime and providing a fairer juvenile justice system.

I want to salute you for it.

Senator CULVER. Thank you.

Next we will hear from Richard Harris.

STATEMENT OF LEE M. THOMAS, EXECUTIVE DIRECTOR, OFFICE OF CRIMINAL JUSTICE PROGRAMS, STATE OF SOUTH CAROLINA, ON BEHALF OF THE NATIONAL CONFERENCE OF STATE CRIMINAL JUSTICE PLANNING ADMINISTRATORS [1]

Mr. THOMAS. Thank you, Mr. Chairman.

I planned to be here with Mr. Richard Harris, but he is now testifying before the Senate Appropriations.

I am director of the criminal justice planning agency in South Carolina. I am Mr. Harris' counterpart in South Carolina.

I have been asked by my counterpart in North Carolina, Mr. Gordon Smith, to submit a statement on his behalf.[2] Mr. Smith and his Governor are vitally interested in this program. North Carolina is one of the States that has not participated in the program. They are very anxious to participate.

It is a real pleasure for our conference to have an opportunity to testify today. We testified when this legislation was first authorized in 1974. We supported it very strongly then and support it very strongly today.

There are several things I would like to speak to. First, I would like to say that our association supports very strongly the administration's bill that we are considering today, S. 1218, with several exceptions. One is the authorization level.

We very strongly support an authorization level of at least $150 million a year. We are suggesting a 2-year reauthorization so that the reauthorization of this program will coincide with the expiration of the Crime Control Act. Congress will have an opportunity to review both of those programs at the same time, in that they are closely tied together.

We have several recommendations we would make as to reauthorization. One specifically deals with deinstitutionalization. We feel that the issue of deinstitutionalization is vital and that the majority of the States, if not all of them, are committed to the issue of deinstitu-

[1] See p. 80 for Mr. Thomas' prepared statement.
[2] See p. 221 for Mr. Smith's statement.

tionalization and the objectives that are laid out in this particular legislation.

We feel, however, that the timeframe in the original bill, as well as some of the sanctions that have been considered by LEAA for noncompliance with those timeframes, are too stringent. We would recommend, then, that the deinstitutionalization timeframes and sanctions by somewhat modified—modified not only from the existing bill, but from the bill which you are considering as far as reauthorization is concerned.

We found that, while deinstitutionalization is an objective that we are all trying to accomplish, it has so dominated what we are all doing under this particular program that we have not been able to move forward with many of the other things that we wanted to try to accomplish under this program.

One of the major efforts that we felt we were going to be able to implement were a number of programs in the area of delinquency prevention. Yet, the majority of our resources have had to be directed to deinstitutionalization. While it is a laudible goal, there are other goals we want to try to accomplish in the area.

Specifically under deinstitutionalization, we would request the time frame be changed from 2 to 5 years. Under the Bayh bill, we note that there is an extension of 3 years there, which would be the same as our 5-year period. The only difference that we would recommend would be that each State have the opportunity to develop a plan which would be approved by the Office of Juvenile Justice for deinstitutionalization, specifying goals and time frames for each year, as to how they were going to reach 100 percent deinstitutionalization over that 5-year period. If they do not, their funds would be cut off under the Juvenile Justice Act.

We feel that this is a reasonable kind of approach. Each State is unique in its capabilities to deinstitutionalize. We would like for the administration to deal with each State and allow them the opportunity to develop a plan to deinstitutionalize in a 5-year time frame.

Second, as I have already noted, we feel that at least $150 million needs to be authorized on an annual basis for this program.

One of the problems we face under the program has been a lack of funds. Deinstitutionalization is a tremendously expensive program at the State and local level.

In my State, for instance, we are putting up a significant amount of State and local dollars to go along with what Federal dollars we are getting to accomplish this goal.

Senator CULVER. Of course, you know that is the intent. That is the incentive to deinstitutionalize.

Mr. THOMAS. We understand that.

We feel, though, that the low level of appropriation has been one of the factors that has contributed to a number of States not participating under the program. We feel that, if the carrot was a little larger, we could get more rabbits to jump.

We feel that the majority of the problems that we need to address are at the State and local level and that we have set up a mechanism at those levels to address the problem of the majority of the funds going to the State and local level. Therefore, we would suggest a 15 percent limit on the special emphasis funds so that the majority of

the funds flow down to impact on those problems that are right down at the grassroots level.

Finally, we would propose that one of the problems is the lack of direction by the administration in the implementation of this program in LEAA. We feel that that was part of a lack of commitment by the previous administration to the problems of juvenile justice and this program. However, we do not feel that that lack of direction and lack of commitment need to be solved by some of the changes that are proposed in S. 1021; that is setting up the Assistant Administrator in LEAA as a totally, basically independent office.

We feel that what is needed is central direction, not only to the juvenile justice program, but to the whole LEAA program to address the problems of juvenile delinquency and the juvenile justice system. We feel that can best be done by strengthening the role of the Administrator to work in coordination with the Assistant Administrator to carry out the mandates of this act.

We feel that under the new administration this will be done.

This concludes my remarks. I would be glad to answer any questions.

Senator CULVER. Thank you very much.

Our next witness is Margaret Driscoll. We welcome you here today.

STATEMENT OF MARGARET DRISCOLL, PRESIDENT, NATIONAL COUNCIL OF JUVENILE COURT JUDGES, BRIDGEPORT, CONN.

Ms. DRISCOLL. Thank you, Mr. Chairman.

On behalf of the National Council, I want to thank you and the committee for permitting us to testify before you on what we consider one of the most important pieces of legislation before the Congress now or in previous years.

I am also speaking, incidentally, as an experienced judge of some 17 years on the bench of the Connecticut Juvenile Court, with a jurisdiction which includes the area from the Massachusetts line to the New York line, and the western part of Connecticut. Included in its population are the wealthy, the poor, the middle class, industrial, rural, suburban, and urban areas. It has a population of some 1 million. So, I do not speak from any narrow kind of perspective on this whole question of juvenile justice.

First of all, let me say, not only personally but on behalf of the council, we think this Juvenile Justice Act has had significant impact on the juvenile justice systems of this country. First it has had an impact in improving the quality of justice as it is exercised by judges and juvenile justice personnel throughout the country. Through LEAA grants, our council has been able to train judges and juvenile justice personnel.

I think we may be the first judicial organization to train judges. We began training in the fifties. With LEAA funds, we have been able to expand those training programs so that we now have four 2-week college training programs at the University of Nevada. We have a 1-week graduate session at the same university or, sometimes, other places. We have national training programs with the National Legal Aid and Defenders Association, with the National Association of District Attorneys. We have also run management institutes for juvenile justice managers.

These were not funded by the LEAA, but attendance at them was funded through the State planning councils funded by LEAA. We had an indirect benefit.

That is why I would be a little concerned about putting all the emphasis on the local level and not enough on the national level. There is a lot of impact from the national level which filters down to the local level to people who are being trained through national programs.

We also have a research center in Pittsburgh which has been funded by LEAA to collect the data on juvenile justice operations that HEW used to collect. Included in that grant is a proposal to redesign the model so that the data that we get will be meaningful as well as uniform. Up to now, I think it has been almost meaningless.

I think there has been an enormous impact, as I said, from this program. The effect of the training programs, of course, depends on quality and on numbers. The way we might determine quality is in the fact that the numbers have risen from 1,127 in 1969 to 5,279 in 1976. That would mean at least that the reports of the quality are sufficient to attract increasing numbers of people.

Senator CULVER. What do those numbers refer to, Judge?

Ms. DRISCOLL. These are all of the people who have been trained by our national college training programs.

The 5,000 sounds like a lot, but we estimate that that is only one-third of all of the juvenile judges presently sitting have been through our program. That means that there is a lot more to be done. I could not agree with you more that the amounts that ought to be authorized for this program should be at least $150 million. We have a lot more work that ought to be done.

Prof. Robert Martinson is often quoted as the one who says that no treatment works in juvenile justice. In updating his research on recidivism, he discovered to his great consternation, that the rate for juveniles is actually under 30 percent.

That is only part of the story. On the State part, all of us in State juvenile courts and local juvenile courts have had all kinds of programs and resources and facilities made available to us through grants from the State planning commissions. In our own State, for example, we have been able to get a State director of probation services and a research director, both of whom we have built into our system now. They are now being paid for by the State.

We have also had several programs which are dispositional alternatives: vocational probation, a volunteer program, a court clinic, an intensive probation program, and an intake project which includes parent effectiveness training as well as guided group interaction and tutoring. All of these are measures which keep kids at home, at school, and out of trouble. We have found all of these to be very helpful to us in achieving this purpose.

You may ask what the success rate is. We do have a computer now in Connecticut. We found out through the computer that in 1976, 2,000 fewer children were referred to the Connecticut juvenile court than in 1975. This may be a——

Senator CULVER. Judge, could you give me those figures again?

Ms. DRISCOLL. It is 2,000 fewer children. We count children, offenses, and referrals. There were 2,000 fewer children referred to the Con-

necticut juvenile court in 1976 than in 1975. It was a figure of 13,000 as against 15,000. The pattern is continuing.

We are getting a decreasing number of referrals. In addition, in 1975——

Senator CULVER. Is this accounted for, in large part, because of the alternative social service agency availability and the success of that program rather than parental effectiveness training?

Ms. DRISCOLL. That is part of it.

Senator CULVER. But the largest is accountable by the redesign?

Ms. DRISCOLL. Yes. I am getting to the figure that is accounting, in part, by parent effectiveness training; that is the recidivism figures. But in this figure I think a lot of it is accounted for by the youth service bureaus and by the police screening programs, both of which are funded in part by LEAA funds. I think they must bear a major share of the credit for that kind of figure. But, on the recidivism figure, I think we can have some credit for that.

We show that 68 percent of all referrals in 1975 were first offenders. In contrast to some of the figures that have been bandied about nationally on status offenders, only 11 percent of all offenses—not offenders—referred to the Connecticut courts in 1975 were status offenses. That is not atypical with us. This is about the same figure we have been getting all along.

In fact, in our deinstitutionalization project our figures were so low some changes had to be made to get a bigger sample. They could not even find enough kids to get into the program.

As I say, we cannot pinpoint the cause of why we have these statistics. But I am sure all of these elements funded by LEAA have had impact. When you have resources and alternatives, it is possible, first, to keep kids out of the system and then, if they get in, to help them not return.

So, we want LEAA to continue. We want the Juvenile Justice Act to continue and to be funded at an even greater level than it is presently. However, we think there are some changes that ought to be made.

The changes revolve around the whole question of dealing with the status offender as the major question which ought to be dealt with by this Act. We are totally opposed to that kind of approach. We believe the whole concern with deinstitutionalizing only status offenders ought to be changed and expanded to deinstitutionalize all offenders.

Why should it be that children who commit status offenses ought to be treated humanely, and those who commit other kinds of offenses should not be treated humanely? Why should there be a difference in treating any of these youngsters?

The fact is that, under the present Act, the status offenders, who you are trying to protect, are really excluded——

Senator CULVER. What if you have a three-time rapist who is under 18? What about that category?

What is so arbitrarily comforting about 24 years, or whatever, without any discriminatory application of the nature of the offense of the individual involved?

What you are implying to me is that there is some magic in youth that we should not make this distinction. We ought to uniformly apply

this noninstitutionalized status treatment to everybody in that category.

That is what I understood you to say.

Ms. DRISCOLL. No. I thought I said that the emphasis ought to be on deinstitutionalizing all instead of some.

Our additional proposal is that those who commit repeated violent offenses ought to be separated, if anybody is to be separated, from other youngsters who commit other offenses.

The problem with this whole discussion is that the Act implies that what happens to a youngster ought to be dependent on the offense he commits. That is also the attitude in the criminal court and the adult criminal system. That is totally opposed to the juvenile court philosophy, which is that each youngster should be treated as an individual, that his total situation ought to be looked at to determine what is needed to keep that youngster from returning to the system.

If the 30 percent recidivism rate is accurate, then we are doing something that is right at least a majority of the time. If the 30 percent figure is accurate again, then what we ought to do is concentrate on reducing that figure to zero instead of picking out a child who commits this or that offense and saying that we are going to do one thing for this kid and put all the emphasis there.

You have already heard all the difficulties with the status offender provision. You have heard what one gentleman just finished telling you about how the concentration on the status offender problem has deprived us of the opportunity of really dealing with all the other problems.

Really, the major problem which the public sees is not as much the status offender as the violent offender. The violent offender is the one who hits the headlines. In Connecticut we had a legislative committee going all around the State to try to find out what the impact would be of removing status offenders from the system and what should be done about the whole juvenile court system. We had three people who wanted to remove status offenders.

We ended up with a proposal now in the legislature which we did not recommend, but which the legislators apparently did on the basis of feedback they got. It would extend the age for status offenders from 16 to 18 in Connecticut. So, we had a kind of reverse effect from all of this emphasis on status offenders.

I really think that the Act has the wrong end of the stick. If you are going to do anything effective that will have public effect, it ought to be on the other end, where the public is geting the bad effect, where they are getting youngsters who are repeating and are repeating violent offenses. There are resources to deal with this, but they are not enough. They are never enough.

The more money we can get, the more resources can be created to handle youngsters who have committed this kind of behavior on a repeated basis. But, until we get the emphasis on that, we will be putting it in the wrong direction. We will be wasting a lot of time and a lot of energy.

We have been doing this in Connecticut. We are in the deinstitutionalization project. I can tell you that it is one headache after another. We are glad to have more resources, but we really think that it would be better if we could spend this time and energy in trying to help the

youngsters who are causing the more serious problems in the community.

I also want to say to you that I think one of the major assumptions of this Act is that the ultimate evil is a secure placement instead of the dangers that confront kids who do run. One of the problems of philosophy here is those who feel that you do not need authority to deal with youngsters who are rebelling against authority. Yet, how else are you going to reach them?

You have already heard the figure of 25 percent who are not being reached by the so-called voluntary programs. It is our feeling that it is a mistake to try to remove authority from dealing with youngsters who are in rebellion against authority.

I am not going to take any more time except to thank you for letting me speak in the detail in which I have today. I urge this committee to do what I hope you are already going to do. That is to recommend not only the extension of the act with the amendments which we are suggesting—by the way, we are also suggesting a redefinition of "correctional facility." It would only apply to public training schools.

Right now, "correctional facility" includes any private group home or treatment agency, whatever. Status offenders, under the present act, cannot get into those facilities because they all have kids who have been adjudicated delinquent or are charged with delinquency. So, we are recommending a change in that definition and also a change in the community facility definition.

Under that definition, you require that the community and the consumer be included in the planning, operation, and evaluation of the program. Well, I do not know of any community-based facility that would meet all three of those requirements.

I think it is foolish to try to make the definitions so detailed and so narrow that, in effect, you are knocking out some very good community-based facilities.

I thank you again on behalf of the council. I hope that the act will be passed with the authorization at $150 million.

Senator CULVER. Thank you very much, Judge Driscoll. We appreciate very much your statement.

Our next witness is Marion Mattingly.

STATEMENT OF MARION MATTINGLY, NATIONAL ADVISORY COMMITTEE FOR JUVENILE JUSTICE AND DELINQUENCY PREVENTION, BETHESDA, MD.[1]

Ms. MATTINGLY. Thank you, Mr. Chairman.

My name is Marion Mattingly. I am a member of the National Advisory Committee for Juvenile Justice and Delinquency Prevention. I am also a member of the Maryland State Advisory Committee, the Montgomery County Criminal Justice Coordinating Commission, and a number of other State and local committees in the State of Maryland.

I am here today representing the National Advisory Committee.

Juvenile justice and delinquency prevention is our highest priority. I would like to take this opportunity to emphasize some of the areas of greatest concern to our committee.

[1] See p. 85 for Ms. Mattingly's prepared statement.

Generally speaking, the committee supports many of the provisions of the administration's bill and of Senator Bayh's bill. In both sets of proposals, there are certain areas which we would like to see melded into the authorization.

Because of time constraints, I will touch briefly on these areas.

Senator Bayh's proposal for funding is far more realistic if the purposes of this act are to be really accomplished. Such funding will make it possible for the committee I represent and the coordinating council to do a far more effective job.

Our committee of 21 members and three subcommittees legislated has no full-time staff assigned. We share the services of two persons who have many other responsibilities. Additional staff is needed in order for us to work more effectively and in close cooperation with State advisory and other citizen groups.

This is an area that needs much closer attention than the committee has been able to give to it. The work of the coordinating council is essential any successful program on juvenile justice. We also believe that the number of job slots made available to the Office of Juvenile Justice and Delinquency Prevention has been unreasonably limited in light of the importance, complexity, and comprehensiveness of the responsibility assigned.

The committee fully supports the amendments which would clearly—and I do mean clearly—provide that the Assistant Administrator must be delegated not only the responsibility but also authority for all administrative, managerial, operational, and policy decisions. That authority is currently lacking.

The clarification of the question of full compliance is exceedingly important. Also, the committee endorses Senator Bayh's provision to include the Director of the National Institute of Drug Abuse, Director of Office of Management and Budget, and the Commissioner of the Office of Education as members of the coordinating council. This is not a part of the administration proposal. We feel it should be so that all agencies dealing with juvenile justice will be truly coordinating their efforts and so that there will be better understanding of the needs of the office, resulting in more appropriate budgeting.

We fully support Senator Bayh's amendment which would make clear the role of the State advisory committee to advise not only its supervisory board but also its governor and legislature.

The National Advisory Committee believes that it should be able to communicate directly with the President and with the Congress as well as the Administrator of LEAA. We believe that it is imperative that the maintenance of effort provision be continued. Leadership is the single most important quality for juvenile justice and delinquency prevention on every level.

In conclusion, I would like to thank the members of the subcommittee for the privilege of appearing before it today. I and any member of the committee would be glad to provide you, Senator, or members of your staff with any additional information you might wish.

Thank you.

Senator CULVER. Thank you very much.

I thank all of the panel very much. I had a number of questions which I think have been responded to by the various perspectives that are represented here. I do want you to know that we will carefully

review the full testimony you have provided us with during markup of this legislation.

Our second panel this morning will be next to testify.

I thank you very much for coming.

Mr. Mould?

STATEMENT OF CHRISTOPHER M. MOULD, GENERAL COUNSEL, NATIONAL BOARD OF YMCA'S

Mr. MOULD. Thank you, Mr. Chairman.

I appreciate the opportunity to appear before the subcommittee this morning.

I would point out that I am here in a representative capacity on behalf of Boys' Clubs of America, Camp Fire Girls, Girls' Clubs of America, Girl Scouts of the USA, the National Council of YMCA's, the National Federation of Settlements and Neighborhood Centers, the National Jewish Welfare Board, and Red Cross Youth Service Programs.

All of them endorse the prepared statement that we submit for the record.[1]

Mr. Chairman, these organizations were actively involved 4 years ago in the effort that went into seeking the enactment of the current Juvenile Justice Act. We are greatly concerned that it be renewed and extended for a minimum of 3 years.

It was noted earlier in the panel that preceded us that perhaps it would be best to have it go for 2 years so it would coincide with the expiration date of the Omnibus Crime Control and Safe Streets Act. We, frankly, think that would be unwise and would tangle up this very important program and act with a very different piece of legislation with different problems. I think we ought to keep them separate.

With respect to authorization levels, we would recommend that, for those 3 years ensuing, for the first year the authorization be $150 million; the second, $175 million; and the third, $200 million.

I do not know that it has been mentioned today, Mr. Chairman, but I think it is important that we bear in mind that the Juevenile Justice Act is not the only source of funds administered by LEAA which are going into juvenile justice programs. There is, as you are aware, a so-called maintenance of effort provision which requires in excess of 19 percent of the appropriations under the Safe Streets Act be devoted annually to juvenile justice programs in addition to funds under the Juvenile Justice Act.

We are concerned that, because that formula is a percentage formula and because the trend in funding of the Safe Streets Act is downward, that this is going to start reducing the total amount of funds available for juvenile justice and delinquency prevention unless we are very careful. We would urge that to the attention of the committee.

We feel very strongly, Mr. Chairman, that there has been substantial progress in the States toward deinstitutionalization of status offenders as required by the act for those States participating under the act.

---

[1] See p. 88 for Mr. Mould's prepared statement.

We would strongly encourage retention of the current provision. We believe the States can meet the requirement if they are serious about it and they go to work on it. We feel it would be a backward step to loosen that requirement and discourage the kinds of efforts that are starting to be made to really accomplish the goal of the act.

We would further suggest, Mr. Chairman, that the present act be amended to enable 100 percent financing of programs and activities authorized under the act conducted by private, nonprofit agencies. The real world today is such that agencies like ours and our local affiliates are having a tough time surviving. Too many are operating on a deficit and are often having to resort to dwindling reserves where they have reserves at all.

When you combine the frequent imposition of a 10 percent up-front cash-match with the need—2 or 3 years down the pike—to take over 100 percent financing and continuation of LEAA-funded activities, it is a very heavy burden which impedes and, in many cases, makes impossible the participation of our kinds of agencies who have skills and commitment and a lot of dedicated volunteers ready to work in this area.

Thank you, Mr. Chairman.

Senator CULVER. Thank you very much.

Mr. Woodson, we are glad to welcome you here today.

STATEMENT OF ROBERT WOODSON, DIRECTOR, NATIONAL URBAN LEAGUE, CRIMINAL JUSTICE DIVISION, NEW YORK, N.Y.

Mr. WOODSON. Thank you, Mr. Chairman.

The National Urban League's criminal justice programs over the past 5 years have had the thrust of broadening the involvement of the minority community in the control and prevention of crimes, with particular emphasis on youth crime.

As you know, a large proportion of those young people caught in the system are minority youngsters. In fact, in the city of New York, white youngsters are considered "others" in our statistics.

During the past 5 years, we have come before the Congress and made testimony. We have cooperated with LEAA in an attempt to bring about solutions to some of the problems. However, I must confess that we believe one of the problems facing LEAA is a lack of sensitive, imaginative, and creative leadership. I do not know of any amendments to the act that can substitute for that.

We have found the Office of Juvenile Justice, along with the many other offices within LEAA, have been totally insensitive to the minority community. We do not know how you can begin to talk about solving the crime problem without significant involvement by the minority community. The absence of that involvement is often interpreted by some people as if minority people condone and support crime; we do not.

In response to this, the Urban League, on its own and with limited funding, convened a conference of several black criminologists providing a forum for them to share their insights and experience. There were 50 invited practitioners representing a variety of perspectives within the field. These were lay people on the street, ex gang members, as well as the commissioner for public safety for the city

of Atlanta, the commissioner of corrections for the State of New York. We had a broad cross-section to discuss these problems.

Later, in response to the trend toward a declaration of war in our young people, we convened a conference of present and former gang members to enlist their aid in finding solutions to the problems. In addition to this, in our own study we went around the country and solicited information from at least 50 programs.

We found that 30 of them had dealt with young people. Only 10 received any kind of Federal support. We have found, in Philadelphia, that a local organization operating with gang young people for the past 8 years has been successful in reaching 73 gangs representing 5,000 young people. The result is that there has been a decline from an average of 45 gang deaths per year in the city of Philadelphia down to a low of 7 this year.

Yet, programs like this do not receive Juvenile Justice Office funds. We have brought these programs to the attention of the Office. They have been totally immune to any type of discussions of funding these programs.

What we get is the runaround. Things are so bad that the Urban League does not encourage its affiliates or other related organizations to even apply for funds. One has to go through the applications process only to find that either you do not get a response back through the mail, or there is just total insensitivity.

Senator CULVER. Mr. Woodson, do you have a copy of the report of that conference?

Mr. WOODSON. Yes.

One report is going to be published in book form, Senator. It is going to be called Black Perspectives on Crime and the Criminal Justice System. That is going to be published by the G. K. Hall Co.

I do have for you a report that we prepared last year that Mr. Carl Rowan commented on in his column last week. It is called A Review of the Law Enforcement Assistance Administration's Relationship to the Black Community. It has a thorough analysis and highlights some of the problems.[1]

For instance, LEAA only has one minority person in any kind of policymaking position. Most of the blacks in LEAA are in the EEO Office. That organization has no power. We have no one in policy and planning that reviews—I can go on and on. The report states it much more eloquently than I can now.

Senator CULVER. That will be a part of the record.

Mr. WOODSON. Also, I would like to make part of the record two articles, one from the New York Times and one from the News, that describe the conference and also talk about some of the other problems.

Senator CULVER. Without objection they will be inserted in the record.[2]

Mr. WOODSON. Thank you.

Senator CULVER. We thank you very much for appearing here today, Mr. Woodson. We look forward to reviewing that report very carefully.

Flora Rothman is our next witness. We are pleased to welcome you here this morning.

---

[1] See p. 91.
[2] See p. 98.

STATEMENT OF FLORA ROTHMAN, CHAIRWOMAN, JUSTICE FOR CHILDREN TASK FORCE OF THE NATIONAL COUNCIL OF JEWISH WOMEN, NEW YORK, N.Y.[1]

Ms. ROTHMAN. Thank you, Mr. Chairman.

I will be as brief as possible. For the most part, our statement regards differences between S. 1021 and S. 1218. In each of the cases cited, we support the version S. 1021, most specifically in the area of strengthening the administration of the Office of Juvenile Justice and in expanding the National Advisory Committee role. I would point to a number of provisions that Senator Bayh has included in his bill which are not present in the other.

In regard to deinstitutionalization of status offenders, which is an area that the National Council of Jewish Women feels very strongly about, I would just like to say a few things.

One of the reasons we do feel so strongly is that, when we conducted our national study of the juvenile justice system in this country, our members were really quite shocked to find the large proportion of incarcerated children in this country who have not committed a crime; those are our status offenders.

Our concern with deinstitutionalization goes beyond the matter of humane treatment to the matter of justice. We feel that it has not been done.

As a result of the Juvenile Justice and Delinquency Prevention Act of 1974, a number of States are very actively pursuing that goal of deinstitutionalization and are quite close to it. My own State, New York, has already removed all status offenders from training schools and is proceeding to do the same with those who are in detention centers.

It is for this reason, the belief that it can be done, that we are quite distressed at attempts to weaken this provision. We feel that at some point we must fish or cut bait on the issue. We must be prepared to penalize those States which will not make the effort, lest we continue a pattern of further compromise rather than deciding we are going to stand by the principle.

Senator CULVER. That signal means there is a vote on the floor. I have about 7 minutes before I will have to go.

I feel embarrassed by that. I think it has hardly been fair to all of you on the panel; you have much to contribute. I want to emphasize we are going to look closely at all of the statements in the markup.

Second, we will be conducting extensive oversight this fall, which has not been done on the act yet. All of you may be asked to help us.

Ms. ROTHMAN. I have two more sentences.

We prefer funding at $150 million for the next year; and we wish you luck in the chairmanship of the subcommittee.

Senator CULVER. Thank you very much. I am very sorry that we have run out of time could I ask you to be good enough to submit your testimony for the record. Those of you who have not had a chance to speak I would be glad to meet with individually.

Mr. TREANOR. Could I suggest we take 30 seconds apiece?

Senator CULVER. Fine.

[1] See p. 99 for Ms. Rothman's prepared statement.

STATEMENT OF WILLIAM TREANOR, EXECUTIVE DIRECTOR, NATIONAL YOUTH ALTERNATIVES PROJECT[1]

Mr. TREANOR. Mr. Chairman, the National Youth Alternatives generally supports the Bayh amendments to the Juvenlie Justice Act.

We are working on behalf of alternative community-based youth serving agencies such as youth service bureaus, hot lines, drop in centers, runaway centers, youth employment programs, and alternative schools.

We do much of our work by alliances with statewide youth coalitions.

We support the increased authority of the assistant administrator and increasing the staff of that office.

We want to eliminate the hard match on grants.

We want to hold the line on compliance with the deinstitutionalization requirements of the 1974 act.

We want to increase the powers of the National Advisory Board and have youth workers represented on the National Advisory Board.

Also, we want to increase the powers of the State advisory board and place youth workers on the State advisory board.

Senator CULVER. Which are both included in the Bayh bill.

Mr. TREANOR. No, sir. The National Advisory is, for youth workers; but not on the State advisory board. I believe you need to take a look at that area.

Senator CULVER. Good.

Mr. TREANOR. We would like to see the 10 percent allotment of funds to the State advisory boards to make those obligations there.

Then, on the Runaway Youth Act, we support coordinated networks, the inclusion of short-term training, raising of the grants to $100,000 maximum, inclusion of a 24-hour telephone crisis service with funding up to three-quarters of $1 million. That is the program that Assistant Secretary Martinez mentioned.

On the appropriations question, we support $150 million minimum for the Juvenile Justice Act and the full $25 million that Senator Bayh asked for in his amendment. The current $8 million supports 130 programs. I point out only three in Iowa. Together, maybe they have $125,000 to serve the entire State of Iowa.

We think that $25 million is the minimal amount that is needed.

Thank you.

Senator CULVER. Thank you very much.

Next is Lenore Gittis Mittelman of the Children's Defense Fund.

STATEMENT OF LENORE GITTIS MITTELMAN, CHILDREN'S DEFENSE FUND, WASHINGTON RESEARCH PROJECT, INC.

Ms. MITTELMAN. Senator Culver, because there are a number of issues that I would like to address that I think have not really been addressed, at least from the perspective that the Children's Defense Fund has, I wonder if we could take advantage of your offer to meet with you for a short time sometime this afternoon or perhaps tomorrow? We would submit the testimony for the record, but meet with you on these issues.

[1] See p. 101 for Mr. Treanor's prepared statement.

Senator CULVER. I would be very happy to do that.

I appreciate your cooperation and understanding.

Ms. MITTELMAN. Thank you.

Senator CULVER. We will work out a time to do that.

Ms. MITTELMAN. The issues that are of most concern to us are those issues surrounding the change in the deinstitutionalization requirement, those issues that are raised by changes proposed by both Senator Bayh and the administration, in changing "must" be placed in shelter facilities to "may" be placed in shelter facilities as far as status offenders are concerned, and many of the issues around the jailing of children.

Children's Defense Fund has issued a report that has been mentioned this morning. I have that for the committee.[1]

Senator CULVER. That also will be included in our records.

Our last cooperative witness is Mr. Kenneth Wooden.

STATEMENT OF KENNETH WOODEN, FOUNDER, THE NATIONAL COALITION FOR CHILDREN'S JUSTICE, PRINCETON, N.J.

Mr. WOODEN. Senator, I would prefer that you go vote and vote your conscience.

If possible, I would like 15 minutes of your time this afternoon.

Senator CULVER. We will try to work out something for both of you then, if it is all right.

Your statements will be made part of the record.

I do apologize to all of you. I have so much to learn, and you have so much to provide to me and the committee. I do not want to leave the impression that we are insensitive to your contribution or to your experience. We have to have the full benefit of that.

I do apologize for letting this thing get out of phase a little bit on the timing. I look forward to working with you in the months and years ahead and having your continued cooperation.

Thank you very much.

The hearing is adjourned.

[Whereupon, at 1:10 p.m., the hearing was adjourned, subject to call of the Chair.]

---

[1] See p. 133.

APPENDIX

21-782—78——5

PREPARED STATEMENTS SUBMITTED FOR THE RECORD

STATEMENT OF JAMES M. H. GREGG, ASSISTANT ADMINISTRATOR, LAW ENFORCEMENT ASSISTANCE ADMINISTRATION, U.S. DEPARTMENT OF JUSTICE

Mr. Chairman, I am pleased to appear today before this Committee to urge your favorable consideration of legislation to reauthorize the Juvenile Justice and Delinquency Prevention Act of 1974. I am joined by Mr. Thomas J. Madden, General Counsel of the Law Enforcement Assistance Administration, and Mr. Frederick P. Nader, Deputy Assistant Administrator for the Office of Juvenile Justice and Delinquency Prevention.

As you know, the current Act is scheduled to expire at the end of the fiscal year. A proposal to extend the legislation was transmitted to Congress by the Attorney General on April 1, 1977.

In 1974, the Congress determined that the Law Enforcement Assistance Administration was the appropriate division of the Federal Government to administer an innovative new juvenile justice and delinquency prevention program and to coordinate the activities of all agencies which impacted on the serious youth crime problem. We have taken that mandate quite seriously and, with the help of a qualified and dedicated staff, have worked hard to assure effective implementation of the program. We look forward to continuing our efforts, and appreciate the concern of the Committee regarding this program.

In my statement today, I would like to discuss the progress made by LEAA in implementing the Act and then briefly address our proposal to reauthorize this important program.

Juvenile delinquency continues to be one of the most difficult problems facing the Nation. Many factors contribute to a child's becoming delinquent. Emotional, physical, and behavioral problems play a part, as do the frustrations a child meets in a disadvantaged environment. Once a youth is labeled delinquent, this label may itself stimulate further misconduct.

While the role of the Federal Government in solving these problems is appropriately a limited one, there is much that can be accomplished through a program which promotes coordination and cooperation at the federal, state, and local levels, permits innovation by both governmental and private agencies with the help of federal leadership, and provides for careful study of some of the problems we face. The Juvenile Justice and Delinquency Prevention Act of 1974 has given us the framework for such an effort.

LEAA, through the Office of Juvenile Justice and Delinquency Prevention (OJJDP), is attempting to build an effective program within the framework provided by the Act, utilizing resources available under both the Juvenile Justice Act and the Crime Control Act. I believe we have shown that the program can have a significant impact on certain aspects of delinquency and youths at risk of becoming delinquent.

The functions of OJJDP are divided among four divisions assigned major responsibility for implementing and overseeing the activities under the Juvenile Justice Act. Functional areas are State Formula Grant Programs and Technical Assistance, Special Emphasis Prevention and Treatment Programs, the National Institute for Juvenile Justice and Delinquency Prevention, and Concentration of Federal Effort. While these functions are closely interrelated, I will, for the convenience of the committee, organize my remarks according to these functional areas.

STATE FORMULA GRANT PROGRAM AND TECHNICAL ASSISTANCE

An aspect of the program established by the Act most crucial to its success is that providing formula grants to support state and local projects. Each participating state is entitled to an annual allocation of funds according to its relative population of people under age eighteen. Funds are awarded upon approval of a plan submitted by each state which meets the statutory requirements of the legislation.

To date, 77 million dollars have been awarded for the formula grant program. In fiscal year 1975, the first year of the program, 9.25 million dollars were made available and for fiscal year 1976, 24.5 million dollars were made available. The amount awarded rose to 43.3 million dollars in fiscal 1977.

LEAA is concerned, however, that these funds have not been expended as quickly as we would have preferred. Of the 33.8 million dollars made available for fiscal year 1975 and 1976, only two million dollars, or six percent, had been expended as of December 31, 1976. Furthermore, only 27 percent of the total formula grant funds for these two years had been subgranted for specific state or local projects.

The reasons for this delay are varied. The Act requires the creation of new planning mechanisms and advisory groups in each participating state. Many states have encountered difficulties in establishing these required structures. Also, the Act includes strict requirements that necessitate legislative action or significant executive involvement in some jurisdictions.

While there are indications that funds are being expended at an increasing rate, the Administration's proposed legislation seeks to correct some of the problems which have delayed the use of funds, as my further testimony will point out.

As required by the Act, at least two-thirds of each state's formula grant funds are expended through local programs. Not less than 75 percent of the available funds are used for advanced techniques in developing, maintaining, and expanding programs and services designed to prevent juvenile delinquency, to divert juveniles from the juvenile justice system, and to provide community-based alternatives to juvenile detention and correction facilities.

Sections 223(a) (12), (13), and (14) of the Act are central to its operation. These deal with deinstitutionalization of status offenders, separation of juvenile and adult offenders, and monitoring of facilities. Ten states are currently not participating in the program. The primary reason mentioned by these states is concern regarding compliance with the Act's two-year time frame for deinstitutionalizing status offenders pursuant to 223(a) (12), and the absolute prohibition of regular contact between adult and juvenile offenders of 223(a) (13).

LEAA has also experienced some problems in assuring that the states meet the monitoring requirements of 223(a)(14). The initial monitoring reports were required to be submitted by participating states on December 31, 1976. Frankly, we were disappointed with the content of the majority of the reports received. Most states did not present adequate hard data to fully indicate the extent of their progress with the deinstitutionalization and separation requirements. In addition, few provided base-line data that would be needed, to demonstrate "substantial compliance" with deinstitutionalization after two years.

As I will subsequently discuss, the reauthorization bill which we have proposed will ease the deinstitutionalization requirement. This amendment, together with our commitment to continue the program, will probably result in some states reconsidering their decision not to participate because of the stringent deinstitutionalization requirement.

Regarding monitoring requirements, the states are being notified that LEAA expects fiscal year 1978 plans to indicate how accurate and complete data on deinstitutionalization and separation will be provided in the report due on December 31, 1977. This is crucial because under the self-reporting system, these data will be used to determine whether states which first participated in the program in 1975 will continue to be eligible for funding under the formula grant program. In addition, LEAA is making technical assistance available to assist those states that are having problems providing the monitoring information currently required by LEAA guidelines.

Both state and local efforts and national initiatives are aided with technical assistance provided by OJJDP. Help is given in the planning, implementation, and evaluation of projects. Technical assistance is also used to help participating jurisdictions assess their needs and available resources and then developing and implementing a plan for meeting those needs.

Technical assistance funds have been used to support our special emphasis initiatives in the areas of deinstitutionalization, diversion, and delinquency prevention. Awards were made to contractors with expertise in delinquent behavior and knowledge of innovative programs and techniques in the program area. Technical assistance also supports state planning agency activities to meet requirements of the Act.

A technical assistance plan has been prepared to support OJJDP functions. The program includes quarterly workshops for regional and central office staff. This

approach assures a proactive rather than reactive technical assistance stance by OJJDP, since all personnel are kept informed of developments in implementing the program, and the techniques which may be of assistance in improving the program.

SPECIAL EMPHASIS PREVENTION AND TREATMENT PROGRAMS

An important element of the OJJDP effort is the discretionary fund which is to be used by LEAA for special emphasis prevention and treatment programs. Funds are used for implementing and testing programs in five generic areas: Prevention of juvenile delinquency; diversion of juveniles from traditional juvenile justice system processing; development and maintenance of community-based alternatives to traditional forms of institutionalization; reduction and control of juvenile crime and delinquency; and, improvement of the juvenile justice system. In each area, program approaches are to be used which will strengthen the capacity of public and private youth service agencies to provide services to youths.

Parameters for development of Special Emphasis Program initiatives are as follows: Each program initiative will focus on a specific category of juveniles; a specific program strategy will direct this focus for achievement of concrete purposes within a specified time frame; sizeable grants will be awarded for two or three-year funding, based upon satisfactory achievement of specific goals at the end of each year; program specifications will require applicant conceptualization of approaches and delineation of problems to be addressed; projects will be selected in accordance with pre-defined criteria based upon the degree to which applicants reflect the ability and intent to meet program and performance standards; applicants may be private non-profit organizations or units of state or local government; program descriptions and performance standards will identify those elements essential to successful achievement of program objectives and operate as a screening device; the development of the objectives and goals of each program initiative is based on an assessment of existing data and previous research and evaluation studies; each program is designed so that we can learn from it and add to our knowledge of programming in that area; selections are made through review and rating of preliminary applications. This results in selection for full application development of those proposals considered to most clearly reflect elements essential to achievement of program objectives.

Using this approach, four special emphasis initiatives have already been announced. The first major initiative was announced in March 1975 and involved programs for the deinstitutionalization of status offenders. Over 460 applications were received for programs to provide community-based services to status offenders over two years. By December 1975, grants totalling nearly twelve million dollars were awarded.

Of the thirteen projects funded, eleven were action programs to remove status offenders from jails, detention centers, and correctional institutions over two years. Nearly 24,000 juveniles will be affected in five state and six county programs through grants which range up to 1.5 million dollars. Of the total funds awarded, nearly 8.5 million dollars, or 71 percent of the total, will be available for contracts and purchase of services from private nonprofit youth serving agencies and organizations.

A second special emphasis program was developed to divert juveniles from the criminal justice system through better coordination of existing youth services and use of community-based programs. This program is for those juveniles who would normally be adjudicated delinquent and who are at greatest risk of further juvenile justice system penetration. Eleven grants, totalling over 8.5 million dollars, have been awarded for two-year programs. As a result of planning and coordination with the Department of Housing and Urban Development, local housing authorities in HUD's Target Project Program have been encouraged to participate in the diversion program. OJJDP gave special consideration in project selection to those programs which reflected a mix of federal resources in achievement of mutual goals.

Several months ago, 3.2 million dollars was transferred to the U.S. Office of Education through an interagency agreement to fund programs designed to reduce crime and violence in public schools. The Teacher Corps received two million dollars for ten demonstration programs in low income areas directed specifically at use of teacher skills to help students plan and implement workable programs to improve the school environment and reduce crime. The Office of Drug Abuse Prevention received funds to train and provide technical assistance to sixty-six teams of seven individuals to initiate local programs to reduce and control violence in public schools. The drug education training model and train-

ing centers will be utilized. OJJDP also expects to award a $600,000 grant later this year for a School Crime Resource Center.

An announcement and guideline has been issued for a program to prevent delinquency through strengthening the capacity of private nonprofit agencies to serve youth who are at risk of becomig delinquent. Over 300 applications have been received. The Office expects to award 14–18 grants totalling 7.5 million dollars for this program. Grantees will be national youth-serving agencies, local combinations of public and private youth-serving agencies, and regional organizations serving smaller and rural communities.

Examples of other special emphasis inititaives include awards to the State of Pennsylvania to remove juveniles from Camp Hill, an adult prison facility; female offender programs in Massachusetts; arbitration and mediation programs involving juvenile offenders in the District of Columbia; and projects in support of the American Public Welfare Association's efforts to coordinate local youth programs.

OJJDP has planned four additional special emphasis program initiatives for fiscal year 1977, as follows:

The Serious Offender Program will be designed to rehabilitate the serious or chronic juvenile offender. It is expected that projects will help develop links between organizations in the offenders' communities. A national evaluation will examine the overall effectiveness of the program, as well as each alternative treatment strategy.

A major purpose of the Youth Gangs Program will be to develop and test effective means by which gang-related delinquency can be reduced through development of constructive alternatives to delinquency closely coordinated with applications of authority.

The Neighborhood Prevention Program will focus on improving the planning of programs at the neighborhood level and development of new action programs which can impact on the youth of particular neighborhoods.

The Restitution Initiative will develop and test means of providing for restitution by juvenile offenders to the victims of their offenses. The program will examine the rehabilitative aspect of restitution, as well as the impact on victims receiving this redress.

Tentative plans for fiscal year 1978 call for demonstration programs in the areas of Youth Advocacy, Alternative Education, Probation, Standards Implementation, and Alternatives to Incarceration.

NATIONAL INSTITUTE FOR JUVENILE JUSTICE AND DELINQUENCY PREVENTION

The program areas which I just mentioned are not only included because of the special emphasis given them in the Juvenile Justice Act, but also because they have been identified as needed programmatic thrusts in research sponsored or reviewed by the National Institute for Juvenile Justice and Delinquency Prevention. Prior to announcement of any special emphasis program, the Institute provides an assessment of the state-of-the-art in the topic area and develops a concise background paper for the use in the program announcement.

The four major functions of the Institute are information collection and dissemination, research and evaluation, development and review of standards, and training. As an information center, the Institute collects, synthesizes, publishes, and disseminates data and knowledge concerning all aspects of delinquency. Three topical Assessment Centers deal with Delinquent Behavior and Its Prevention, the Juvenile Justice System, and Alternatives to Juvenile Justice System Processing. Each center gathers data, studies, and information on its topic area. A fourth Coordinating Center integrates all of this information and will produce an annual volume entitled *Youth Crime and Delinquency in America.*

The Institute has a long-range goal of developing a comprehensive, automated information system that will gather data on the flow of juvenile offenders throughout the juvenile justice systems of selected jurisdictions. A reporting system regarding juvenile court handling of offenders has already been sponsored.

A broad range of research and evaluation studies are being sponsored by the Institute. These studies will add to the base of knowledge about the nature of delinquency and success in preventing, treating, and controlling it. In the area of prevention, projects will be encouraged which increase our understanding of social factors that promote conforming behavior and legitimate identities among youths and permit evaluation of innovative approaches to inducing such behavior.

The Institute sometimes funds unsolicited research projects that address areas not included in the established research program. Unsolicited concept papers

are reviewed twice each year. Other funds are set aside for unique research opportunities that cannot be created through solicitations. These might consist of opportunities to conduct research in natural field settings such as those that would result from legislative changes, or to add a juvenile delinquency research component to a larger project funded by another source.

The Institute is participating in LEAA's Visiting Fellowship Program. Under this program, up to three Fellows conduct research on juvenile delinquency issues while in residence at the Institute.

In recent years, increasing attention has been paid to the possibility of a relationship between learning disabilities and juvenile delinquency. Current theory and knowledge were investigated and a report completed under an Institute grant. While a relationship seems to exist between learning difficulty and juvenile delinquency, there remains an absence of experimental evidence. Research has been funded to further investigate this area.

Another Institute-sponsored study seeks to determine the relationship between juvenile and adult offenses. The thirteen-month study will conduct extensive analyses of data collected on 975 males born in 1945 in Philadelphia. A further study has been undertaken to examine a birth cohort study of 14,000 males and 4,500 females born during 1958 to determine the nature and patterns of delinquency among those examined.

The Institute's efforts in the area of evaluation have concentrated on maximizing what may be learned from the action programs funded by OJJDP, on bolstering the ability of the states to evaluate their own juvenile programs and to capitalize on what they learn, and on taking advantage of unique program experiments undertaken at the state and local levels that warrant a nationally sponsored evaluation.

The Juvenile Justice Act authorizes the Institute to evaluate all programs assisted under the Act. Efforts focus largely on evaluating major action initiatives funded by OJJDP. To implement the approach of OJJDP that program development and evaluation planning must be conducted concurrently, the Institute undertakes three related activities for each action program area: developmental work; evaluation planning; and implementation of the evaluation plan.

Institute staff are currently reviewing the recommendations of the Advisory Committee on Standards, a Subcommittee of the National Advisory Committee for Juvenile Justice and Delinquency Prevention. A paper will be prepared describing action programs which could be undertaken by the Office to implement the standards. Development of an implementation strategy will provide direction for OJJDP activities in coming years.

The Institute has broad authority to conduct training programs. Training is viewed as a major link in the process of disseminating current information developed from research, evaluation, and assessment activities. It is also an important resource for insuring the success of the OJJDP program initiatives.

Two main types of training programs are being utilized. National training institutes held on a regional basis acquaint key policy and decision-makers with recent results and future needs in the field of delinquency prevention and control. Training institutes are also held to assist local teams of interested officials concentrate youth service efforts and expand program capacities in their communities. Workshops and seminars are held on a variety of juvenile justice and delinquency prevention issues, techniques, and methods.

The Project READ training program was designed to improve literacy among the Nation's incarcerated juveniles. Over 4,000 youths were tested on reading ability, mental age, and self-concept. During the brief period of four months, the average juvenile tested gained one year in reading ability, seven months in mental age, five points in self-concept, and had a better appreciation of the reading process. This project is now in its second year.

Continuing funding is being provided to the National College of Juvenile Court Judges to provide training for 1,150 juvenile court judges and related personnel such as probation officers and district attorneys.

CONCENTRATION OF FEDERAL EFFORTS

Under the terms of the Juvenile Justice Act, LEAA is assigned responsibility for implementing overall policy and developing objectives and priorities for all Federal juvenile delinquency programs. Two organizations were established by the Act to assist in this coordination. The Coordinating Council on Juvenile Justice and Delinquency Prevention is composed of the heads of Federal agencies most directly involved in youth-related program activities and is chaired by

the Attorney General. The National Advisory Committee for Juvenile Justice and Delinquency Prevention is composed of persons who, by virtue of their training and experience, have special knowledge concerning the prevention and treatment of juvenile delinquency or the administration of juvenile justice. One-third of the 21 Presidentially-appointed members must be under age 26 at the time of their appointment.

The Coordinating Council has met eight times. Early meetings focused on general goals and priorities for Federal programs. Later meetings concentrated on policy options and the development of a Federal agenda for research into juvenile delinquency issues. The most recent meeting was held jointly with the National Advisory Committee.

The *First Comprehensive Plan for Federal Juvenile Delinquency Programs*, developed by the Coordinating Council, provided the foundation for future programming and addressed the roles of each agency in the overall strategy. The plan provides policy direction and a description of preliminary steps necessary before large scale program and fiscal coordination is attempted.

In February 1977, the *Second Analysis and Evaluation of Federal Juvenile Delinquency Programs* was submitted to the President and Congress. This report contains a detailed statement of criteria developed for identifying and classifying Federal juvenile delinquency programs.

Integrated funding and programmatic approaches have been initiated among Federal agencies in selected projects. In one example, the Department of Housing and Urban Development cooperated with OJJDP's diversion program by providing funding to locales chosen as sites for diversion projects,. The Department of Labor worked with OJJDP to establish priorities for CETA funds utilized for youth involved in OJJDP discretionary grant programs. An additional cooperative effort I previously mentioned is the transfer of OJJDP funds to the Office of Education to initiate programs to combat school violence.

The National Advisory Committee has also met eight times. It has focused primarily on the orientation of members to their roles, their relationship to OJJDP and other juvenile programs, and the development of a workplan. Three subcommittees have been established: the Advisory Committee for the National Institute, the Advisory Committee on Standards for the Administration of Juvenile Justice, and the Advisory Committee for the Concentration of Federal effort. The Standards Committee has submitted two reports on its activities and findings to the President and Congress.

Upon recommendation of the National Advisory Committee and in cooperation with the Coordinating Council, OJJDP contracted with a private consulting firm to develop a major project to facilitate the coordination and mobilization of Federal resources for juvenile delinquency programming in three jurisdictions. The Coordinating Council and the National Advisory Committee participated in selecting demonstration sites and both organizations are currently monitoring program progress.

The Juvenile Justice and Delinquency Prevention Amendments of 1977.—I would like to turn now, Mr. Chairman, to the legislation proposed by the Administration to reauthorize the 1974 Act.

The Juvenile Justice and Delinquency Prevention Amendments would extend the authority of LEAA to administer the program for an additional three years. Several amendments are included which are designed to strenghten the coordination of Federal efforts. The Coordinating Council would be authorized to assist in the preparation of LEAA annual reports on the analysis, evaluation, and planning of Federal juvenile delinquency programs. LEAA runaway programs would be coordinated with the Department of Health, Education, and Welfare's programs under the Runaway Youth Act.

To insure that each state planning agency receives the benefit of the input of the Advisory Groups established pursuant to the Act, our bill would also amend Title I of the Crime Control Act. The chairman and at least two other members of each state's Advisory Group would have to be appointed to the state planning agency supervisory board.

The Administration's proposal would make significant changes in the formula grant program. The 1974 Act, as you know, requires that status offenders be deinstitutionalized within two years of a state's participation in the formula grant program. Our bill would grant the Administrator authority to continue funding to those states which have achieved substantial compliance with this requirement within the two-year statutory period and have evidenced an unequivocal commitment to achieving the objective within a reasonable time.

The use of in-kind match would be prohibited by the Administration bill. However, assistance to private nonprofit organizations would be authorized at up to 100 percent of the approved costs of any program or activity receiving support. In addition, the Administrator would be authorized to waive the cash match requirement, in whole or in part, for public agencies if a good faith effort has been made to obtain cash match and such funds were not available. No change would be made to the provision requiring that programs receiving satisfactory annual evaluations continue to receive funds.

Special emphasis school programs would be required to be coordinated with the U.S. Office of Education under the proposal. A new category of youth advocacy programs would be added to the listing of special emphasis programs in order to focus upon this means of bringing improvements to the juvenile justice system.

The bill would authorize the Administrator to permit up to 100 percent of a state's formula grant funds to be utilized as match for other Federal juvenile delinquency program grants. This would increase the flexibility of the Act and permit maximum use of these funds in states which have been restricted in fully utilizing available Federal fund sources. The Administrator would also be authorized to waive match for Indian tribes and other aboriginal groups where match funds are not available and could waive state liability where a state did not have jurisdiction to enforce grant agreements with Indian tribes. This parallels provisions now included in the Crime Control Act for other LEAA programs.

The Administration proposal would authorize appropriation of 75 million dollars for programs under the Act in fiscal year 1978, and such sums as may be necessary for each of the two following years. The maintenance-of-effort provision, applicable to juvenile delinquency programs funded under the Crime Control Act, would be retained. The retention of this provision underscores the Administration's commitment to juvenile justice and delinquency prevention programming.

Finally, the proposal would incorporate a number of administrative provisions of the Crime Control Act as applicable to the Juvenile Justice and Delinquency Prevention Act. This would permit LEAA to administer the two Acts in a parallel fashion. Incorporated provisions would include formalized rulemaking authority, hearing and appeal procedures, civil rights compliance, record-keeping requirements, and restrictions on the disclosure of research and statistical information.

Mr. Chairman, that concludes my formal presentation. We would now be pleased to respond to any questions which the committee might have.

STATEMENT OF ARABELLA MARTINEZ, ASSISTANT SECRETARY FOR HUMAN DEVELOPMENT, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Mr. Chairman and Members of the Subcommittee, I am pleased to have the opportunity to come here today to discuss the Runaway Youth Act, Title III of the Juvenile Justice and Delinquency Prevention Act of 1974, and to advise you that we are submitting legislation to Congress to provide a one year extension of this program. During this extension, we intend to assess our role in relation to youth and their families and to consider future action in this area.

As you know, I have recently come to the Federal Government. Although I have not had direct personal experience with the runaway youth program during its first three years, I am familiar with its operation. Therefore, I will present an overview of the activities conducted under its authority and will conclude by identifying some concerns about the Act which we are now addressing within HEW.

The Runaway Youth Act was a response of the Congress to a growing concern about a number of young people who were running away from home without parental permission and who, while away from home, were exposed to exploitation and to the other dangers encountered by living alone on the streets. This Federal program helps to address the needs of this vulnerable youth population by assisting in the development of an effective community-based system of temporary care outside the law enforcement structure and the juvenile justice system.

Until recently no reliable statistics were available on the number of youth who run away from home. The National Statistical Survey on Runaway Youth, mandated by Part B of the Act and conducted during 1975 and 1976, found that

approximiately 733,000 youth between the ages of 10 and 17 annually run away from home for at least overnight. Many of these young people are on the streets, surviving without any form of assistance, and are continuously exposed to the vagaries and dangers of contemporary street life. These youth, due to their circumstances of being alone and friendless with little money, are left with few choices for their survival—frequently living in condemned buildings or out in the open, trading their bodies for friendship or food, and violating the law just to meet their basic daily needs.

During the past three years, we have found that the youth seeking services are not the stereotyped runaway of the 60's—the runaways who leave a stable, loving home to seek their fortunes in the city or to fill a summer with youthful adventures. Runaways of the 70's in contrast, are the homeless youth, the youth in crisis, the "pushouts" and the "throwaways." These youth have no home; or they have left home to avoid physical, sexual, or emotional abuse; or they have been thrown out of their home by their parents or guardians. For many of these youth, leaving home is the only viable alternative. As a rule, they are fleeing from what they believe is an intolerable situation so they may attempt to live in a less painful, disruptive environment.

The severity of the problems facing runaway youth today is clearly indicated by statistics related to why they run away from home. Almost two-thirds of the youth seeking services from the HEW-funded runaway projects cited family problems as the major reason for seeking services. These problems included parental strife, sibling rivalries and conflicts, parental drug abuse, parental physical and sexual abuse, and parental emotional instability. Nearly an additional one-third of the youth were experiencing problems pertaining to school, inter-personal relationships, and legal, drug, alcohol or other health problems.

In many communities, the HEW-funded projects constitute the only resource youth can turn to during their crises. During FY 1977, eight million dollars have been made available to provide continuation funding to the 131 current community-based projects. These projects include the National Runaway Switchboard, a toll-free hotline serving runaway youth and their families through the provision of a neutral communication channel, as well as a referral resource to local services. The projects funded by HEW are located in forty-four States, Puerto Rico, Guam, and Washington, D.C. It is anticipated that these projects will serve more than 57,000 youth and their families during FY 1977.

Each project is mandated by the Act to provide temporary shelter, counseling, and aftercare services, as required, to runaway youth and their families. Counseling services are provided through individual, group, and family sessions. Projects provide temporary shelter either through their own facilities or by establishing agreements with group and private homes. Many of the programs have also expanded their services to provide education programs, medical and legal services, vocational training, and recreational activities either directly or through linkages with other community agencies.

At the termination of the services provided by the project, approximately forty-nine percent of the youth served return to their primary family home, with an additional twenty-six percent being placed with relatives or friends, in foster care or other residential homes, or in independent living situations.

We are very concerned within HEW about the severe problems experienced by the young people whom we are serving. It is clear to us that the problems of the population being served by the Runaway Youth Act have changed—many times they are indications of dysfunction within the family structure. Running away from home is a response of youth to the problems they are encountering within the family setting. Pushing youth out of their home environments or encouraging them to leave is often the response of the parents. A brief period of temporary shelter and counseling cannot adequately address the needs of these youth.

Additionally, it has also become clear to us that family problems are not the only cause of youth running away from home. Running away is a manifestation of problems youth are encountering in contemporary society. Young people are experiencing crises related to school, peer relationships, lack of employment, and poor health. For these youth, too, a brief period of temporary shelter and counseling cannot adequately assist them in dealing with their problems.

Currently, we are examining the special needs of runaway youth due to factors such as race, ethnicity, age, and sex. We are also looking at the techniques and methods for providing services to prevent the occurrence of runaway behavior. And most importantly, we are exploring the provision of services to youth within

a broader national social services strategy which will minimize the fragmentation of services and maximize their impact.

We, therefore, believe that it is essential that we identify more precisely the service needs of youth experiencing crises and examine the most appropriate vehicles to deliver services to these youths and their families. As part of this effort, we must also carefully examine whether services for runaways and their families should be provided separately from services for youth and families experiencing other problems.

Based on the review of the information generated from our current studies and from an examination of the role of HEW in the provision of services to the broader population of vulnerable young people, we propose to determine what modifications are required to respond to the changing needs of these vulnerable youth. We invite your participation in this process and hope we will be able to work together to develop a sound strategy. For this reason, we are requesting only a one-year extension of the Act.

Thank you. I will be glad to answer any questions you may have.

STATEMENT OF ROLAND LUEDTKE, CHAIRMAN, CRIMINAL JUSTICE AND CONSUMER AFFAIRS COMMITTEE, NATIONAL CONFERENCE OF STATE LEGISLATURES, LINCOLN, NEBR.

Mr. Chairman, it is my pleasure to appear before you and the distinguished members of the Subcommittee on Juvenile Delinquency of the Judiciary Committee.

I am here representing the National Conference of State Legislatures which is comprised of the nation's 7,600 state legislators and their staffs from all fifty states. I am chairman of the committee on Criminal Justice and Consumer Affairs, and my remarks today will present the policy of this committee and the State-Federal Assembly.

On behalf of the National Conference of State Legislatures I would like to reaffirm our support for the objectives of the Juvenile Justice and Delinquency Prevention Act of 1974. If Congressional hearings are similar to our state legislative hearings, I am certain that at every hearing witnesses have testified that juvenile delinquency is the most important problem in our criminal justice system today. I feel strongly about delinquency prevention because our efforts to help young people before they become career criminals can dramatically change the future for thousands of our citizens.

The National Conference of State Legislatures has consistently supported the Juvenile Delinquency Act as evidenced by our attached policy position. On the basis of this policy, I would like to offer recommendations to this subcommittee on a few of the Act's provisions and suggest some additional changes. As you undoubtedly know, a number of states have refused to participate in this program, because they felt the federal requirements were too strict and unreasonable. This lack of participation by some states bothers me, because every state in this nation has an acute need to deal with juvenile delinquency. The requirements of sections 223(a)(12) and 223(a)(13) are the primary obstacles to participation by these states. Before I suggest changes to these provisions I want to stress that I fully support the objectives of these two sections and firmly believe that states and localities should deinstitutionalize status offenders and should not place juveniles in the same correctional facilities with adults. I feel, however, that Congress should understand the difficulties states and localities have had in complying with these provisions. The federal law should be sensitive to good faith efforts by states and localities which may fall short of total compliance. I would therefore, like to suggest the following changes to these sections.

First, amend Section 223(a)(12) as proposed by deleting the word "must" and inserting the word "may" before the phrase which requires that status offenders "must" be placed in shelter facilities. Second, requiring compliance with these two sections in two years is unreasonable and unlikely to occur in very many jurisdictions. The federal government should recognize good faith efforts by states to achieve compliance with these provisions throughout their jurisdictions. But we must deal with the reality that total compliance can not be achieved in each of the thousands of jurisdictions in every state in two short years. For these reasons we suggest the language be changed to require substantial compliance within a three year period and full compliance in a five year period.

Another change we advocate concerns section 223(a)(3) and the state Juvenile Advisory Groups. We support the change proposed by Senator Bayh in S. 1021 which would require this advisory group to advise the state legislature on Juvenile Delinquency matters. Speaking for myself and my colleagues in the fifty state legislatures I can assure you that we appreciate this recognition of the legislator's role in juvenile delinquency prevention and our need to be fully informed of activities related to the Juvenile Delinquency Act within our state. This amendment, making the expertise and information of the advisory groups available to the legislatures, would provide a valuable resource for legislators as they structure and refine their state's juvenile delinquency program.

Our policy position also recommends changes to the distribution of funds enumerated in section 224(b) which currently allows the federal government to retain 25% to 50% of the funds for its special emphasis programs. In a program which is premised on the block grant approach, the bulk of funds should be distributed through state and local mechanisms. We therefore, recommended that the current language be changed from a 25% to 50% range to a flat 15% of funds for federal programs.

Mr. Chairman, you are likely to hear from representatives of counties advocating federal incentives for state subsidies to local units of government. Personally, I favor subsidies to local units of government for the prevention of juvenile delinquency. Our objection to these proposals is that they would use a portion of the federal juvenile delinquency funds to reward or penalize states which provide their own general fund subsidies to counties. Because of varying financial conditions among the states, some states may be able to subsidize local prevention and correctional programs while other states have insufficient revenues to provide subsidies. It is for these reasons that we think it is inappropriate for the federal law to provide rewards and/or penalties to the states for this type of activity. It is our feeling that if counties need and want state general fund subsidies from their own state legislatures they should then present their cases to the state legislature and seek state funds directly without relying on the federal government to mandate state action.

Mr. Chairman and members of the committee I feel that the success of this program to a large extent depends on the commitment of funds by Congress and the President. Since the passage of this landmark act in 1974, we in the states have been disappointed by the lack of commitment in the federal executive branch. The Crime Control Act programs of the Law Enforcement Assistance Administration have always been more important to the previous administration than were the juvenile delinquency efforts. In my opinion this illustrates the backwards logic which has plagued our criminal justice system for decades. We place more emphasis on dealing with crime after it has been committed, by equipping police with fancy equipment and multiplying the capacity of our courts and correctional facilities to deal with individuals who have already made a career out of crime. In my opinion if we are to ever curb the intolerable rate of crime in the U.S. we must engage in efforts to curb juvenile delinquency. It is the juvenile we can help and steer away from a lifetime of crime. If we miss the opportunity to provide assistance to a young person we have probably forgone the chance to rehabilitate that person at a later date. The startling fact that over fifty percent of the arrests in this country are of youngsters between the ages of 10 and 17 is sufficient evidence to warrant a concentrated federal-state effort to prevent and deter juvenile delinquency.

From my experience in the Nebraska legislature and my discussions with lawmakers from other states, I can assure you that efforts to prevent juvenile delinquency is one of our top priorities, both in reforming delinquency laws and in funding new programs. In my own state of Nebraska, we are beginning an extensive revision of our juvenile delinquency laws this year. Rather than enacting piecemeal measures, we intend to review our entire juvenile code, including an examination of the status offender issue and modernizing juvenile courts procedures. We hope to adopt a comprehensive code reforming Nebraska's juvenile justice system.

States are also experimenting with an endless number of programs. In Louisiana, for example, the state legislature funded a juvenile delinquency program which created a youth development association in New Orleans. This type of program, providing recreational and reading services to youngsters in the community, is necessary if we are to give young people alternatives to the life of delinquency. The rate of unemployment among teenagers is at a record

high and minority teenage unemployment exceeds 50 percent. If we do not provide constructive alternatives for these unemployed young people, we should not be surprised when they engage in acts of delinquency. Another important feature of this New Orleans program is reading assistance, because studies of juvenile delinquent in correctional institutions have shown that they have a very low reading ability. It is also known that reading ability is a problem with students who drop out of school. If we are to give these young people a chance to compete in our society and help them avoid criminal activity, then we must help them gain the necessary skills to compete.

After eight years of LEAA crime control programs Congress should now realize that there is no short term solution to our crime problem. The best we can hope for is to improve our system of justice, engage in prevention of crime, and hope to reduce long range criminal activity. If we continue to accept these intolerable levels of unemployment for teenagers and do not engage in massive prevention efforts in our schools and communities we can only expect our crime problem to continue.

On behalf of the state legislators, you can be assured of our support in these efforts to curb juvenile delinquency. We will do our best to reform state laws and provide programs in our states, and hope that you will assist us in these endeavors.

STATEMENT OF DONALD PAYNE, DIRECTOR, BOARD OF CHOSEN FREEHOLDERS, ESSEX COUNTY, NEW JERSEY, REPRESENTING THE NATIONAL ASSOCIATION OF COUNTIES

Mr. Chairman, I am Donald Payne, director, Board of Chosen Freeholders, Essex County, New Jersey, past president of the National Board of Y.M.C.A.'s, and chairman of the National Association of Counties'[1] Policy Subcommittee on Juvenile Justice. I am here today to present testimony with respect to S. 1021, the Reauthorization of the Juvenile Justice and Delinquency Prevention Act of 1974.

The National Association of Counties was an early supporter of the Juvenile Justice and Delinquency Prevention Act. We supported it when it was first introduced for much the same reasons we support its reauthorization today. The act offers the single most promising federal commitment to our national effort to salvage thousands of our youngest citizens from the ravages of a deteriorating system of juvenile justice: A system that incarcerates young people for status offenses; a system that jails youngsters with adult criminals; a system which often denies children basic human rights.

The act itself addresses these issues in a number of ways. Most importantly, it provides substantial focus on prevention, on keeping children from even entering the juvenile justice system that has proven to be so harmful to their developing into responsible members of society.

At the last annual convention of our association, our members adopted a new, and we think, progressive juvenile justice and delinquency prevention platform. Our policies reflect a growing awareness on the part of the nation's counties that the juvenile justice system in our country is desperately in need of reform and that county government has both a responsibility and an opportunity to help affect that reform. In some respect, I believe our policies are even more progressive than is the act we are here to talk about today. Our policies call for the complete removal of status offenders from the jurisdiction of the juvenile court, a program of state subsidies, about which I will speak in a moment, and a call to counties to actively develop organizational and planning capacities for the coordination and regulation of youth development and delinquency prevention services in the community.

Mr. Chairman, much of the debate that has taken place with respect to this law has revolved around two highly controversial provisions: Provisions which are given much of the blame for a number of states not having participated in the act. These provisions are section 223(12) and (13) which mandate that

---

[1] The National Association of Counties is the only national organization representing county government in the United States. Through its membership, urban, suburban and rural counties join together to build effective, responsive county government.
The goals of the organization are to:
Improve county governments;
Serve as the national spokesman for county governments;
Act as a liaison between the nation's counties and other levels of government;
Achieve public understanding of the role of counties in the federal system.

status offenders must be placed in shelter facilities rather than detention or correctional facilities, and the complete separation of juvenile and adult offenders within secure institutions. We are pleased to note that one of the proposed amendments, if adopted, will improve section 223(12) by making the use of shelter facilities optional rather than mandatory, but it will not solve the problem which discourages full compliance, and consequently, participation in the act.

This proposed amendment recognizes that there are worthwhile alternatives for status offenders other than shelter facilities. Certainly, placing the child safely in the home would have to be assigned the highest preference.

Another proposed amendment would extend the time limit to five years for deinstitutionalizing status offenders—provided a state was in "substantial compliance" after two years. Substantial compliance is defined as 75% de-institutionalization. We believe that to demand a blanket 75% compliance for each state within two years without regard for their differing resources is unrealistic, particularly in light of the history of appropriations for his act.

These changes aside, it is admitted that in some instances there is outright philosophic opposition to the concepts put forth in sections 223(12) and 223(13). But more commonly, the dollar costs of compliance are so prohibitive that some states have chosen not to participate in the act at all. This is an extremely sad commentary considering what we know about the condition these sections seek to remedy. The situation the act addresses is not simply that of the youngster already in jail or detention but of the youngster who may well end up in jail if the community fails to provide community based services designed to prevent juvenile delinquency.

The dilemma for many communities is that services for youngsters are intertwined with the juvenile justice system. A child must too often penetrate the system before he can receive help. In my state of New Jersey we already have a law requiring the physical separation of status offenders from delinquent children. Status offenders must be housed separately in a non-secure shelter facility.

The problem however, is that we do not have a system in place to prevent a child from going to shelter in the first instance. Only 3 counties in our state out of 21 have a youth service bureau: Only 35 municipalities out of 600 have youth service bureaus. We clearly need a grassroots network of organizations to coordinate youth services and to direct youngsters and their families in needed services—prior to any contact with the system.

The National Association of Counties strongly supports the concepts articulated in section 223(12) as per the proposed amendment and section 223(13), but the fact remains that these paragraphs, while correctly identifying goals, do not point to a realistic financial strategy by which those goals may be achieved. The fact remains that in states and communities that do not already have community based programs and shelter facilities to divert status offenders from the juvenile justice system, or which do not have separate facilities for those already incarcerated, or who may be incarcerated in the future, the act offers little financial hope for achieving compliance.

The reasons are simple: In fiscal 1977, $75 million dollars were appropriated for financing all of the programs of the Juvenile Justice and Delinquency Prevention Act. Only part of that money was directly available for use by local governments. Of that which was available, programs seeking alternatives to incarceration for status offenders or for providing separate facilities for those who have been incarcerated, had to compete with a myriad of other worthwhile endeavors for scarce resources. The result was that many counties without well developed programs or resources were not able to come up with the substantial investments required to comply with section 223 (12) and (13).

I want to emphasize that we think there is implicit in section 223(12) and section 223(13) an obligation on the part of the communities attemping to comply with these sections, that there be established within those communities organizational and planning capacities to coordinate youth development and delinquency services. It seems to us to be senseless to make individual reforms for children already in trouble if we do not somehow address preventive programs in a serious manner, or if services for troubled children are not properly provided. To accomplish this, we must insure that we have agencies and voluntary services in place that are capable of meeting the needs of young people prior to any contact with the juvenile justice system.

The need for programs to deinstitutionalize status offenders from secure detention and to separate juveniles from adults in traditional correctional facilities has been well documented. The recent study of the children's defense fund outlining in sometimes graphic and painful terms what happens to youngsters placed in adult jails points to a national disgrace. The recidivism rates are but a dramatic manifestation of this dilemma. What then is the answer?

We think a major part of the answer lies within the provisions of the Juvenile Justice Act, but for lack of notice, emphasis, or funding, it has not been sufficently recognized. We call your attention to the State subsidy programs outlined in section 223(10) (11) of the act.

Mr. Chairman, we suggest today that State subsidy programs, given proper legislative emphasis and adequate funding, could be useful and highly successful tools in achieving the results desired in section 223(12) and section 223(13) and thereby open the door to more States participating in the act. State subsidy programs of one kind or another currently exist in at least seventeen States and give us reason to think they may be effective in this instance.

State subsidy programs have a number of attributes deserving of attention. Once instituted, they tend to become long term programs. They intimately involve not just the States but the myriad of local public and private agencies concerned with juveniles in a program in which they have a direct interest. We no longer have just another Federal program with Federal dollars to be used while they last on short term endeavors. State subsidy programs require substantial commitment by local government-commitment likely to engender serious efforts.

Consequently, State subsidy programs encourage partnerships between the public and private sectors as well as intergovernmental cooperation. They encourage long term planning and coordination not only of governmental resources and programs, but of those substantial efforts sponsored and managed by non-profit private organizations which in many communities provide the bulk of the services directed toward juveniles. We believe that if State subsidies did no more than encourage coordination, cooperation, and planning, they would have served as well.

State subsidy programs are versatile and can be used to encourage a wide variety of specific goals. States currently utilizing subsidy programs use them to finance (a) community alternatives to incarceration, (b) approaches to youth development and delinquency prevention, (c) diversion programs and (d) coordinated youth services at the county level.

We have included some descriptions of how subsidy programs work as addendum "B" to this testimony for your information.

Mr. Chairman, the National Association of Counties respectfully urges that Congress give serious consideration to establishing a new title to the Juvenile Justice and Delinquency Prevention Act: One that would provide for an independently funded program of State subsidies which would (a) reduce the number of commitments to any form of juvenile facility, (b) increase the use of nonsecure community based facilities, (c) reduce the use of incarceration and detention of juveniles, (d) encourage the development of an organizational and planning capacity to coordinate youth development and delinquency prevention services.

We urge that the title be funded separately to infuse new and needed funds directly into programs encouraging deinstitutionalization and the care of children deinstitutionalized or diverted from institutions. Such an effort would illustrate to State governments that the Federal Government considers deinstitutionalization of sufficient importance to warrant a special fiscal and legislative effort by the Congress, and implicitly, by State and local governments as well.

We have included specific draft language as addenum "A" to this testimony, which while requiring a great deal of work by legislative draftsmen, nevertheless will give you some sense as to our intentions. Features of the proposed program include:

Incentives to State governments to form subsidy programs for units of general purpose local governments to encourage deinstitutionalization and encourage organizational and planning capacities to coordinate youth development and delinquency prevention services,

Fiscal assistance to the States in the form of grants based upon the State's under 18 population,

Requirements that the State provide a 10% match and that the State in turn may require a 10% match from participating local governments,

Provisions that subsidies may be distributed among individual units of local general purpose governments in those States not choosing to participate in the subsidy title providing proper application is made,

Submission of a plan by the States to LEAA for implementation of the subsidy program,

Provisions that allow funds to go to States with existing subsidy programs to either expand those programs or begin new programs consistent with the purposes of the new title,

Prohibitions against the use of Federal monies to replace existing funding in States already having subsidy programs,

Requirements that private nonprofit agencies be prime participants in subsidy programs through contracts with local governments,

Authorizations for the next three years of $50, $75 and $100 million respectively.

Significantly, the concepts we have outlined have been developed in cooperation with such organizations as the National League of Cities, the National Council on Crime and Delinquency and the National Youth Alternatives project.

Mr. Chairman, we have carefully reviewed the proposed amendments to the act incorporated in S. 1021 and find that we are in substantial agreement with most of them. The authority of the Assistant Administrator for Juvenile Justice does indeed need to be strengthened and more specifically defined in order to better fulfill the intentions of the Congress in creating that position, and we are pleased to see substantial language to this end. We are all aware of the difficulties that an absence of such an emphasis has had in the past.

Efforts to extend the act for an additional five years are certainly in order. Our problems are not going to disappear overnight and a substantial commitment by the Federal Government will both increase confidence in the endurance of the program and provide the basis for much needed long term planning.

We believe the authorization levels set forth in the bill further indicate the Congress' commitment to helping solve the problems inherent in our juvenile justice system and represent realistic levels of dollars that can be wisely spent. In our testimony before the House Appropriations Subcommittee two weeks ago we called for full funding of the Juvenile Justice and Delinquency Prevention Act, using the authorization figures of S. 1021 as a basis. We have made a similar appeal to the Senate Appropriations Committee.

NACo continues to support the preference for the allocation of unused formula grant monies for special emphasis grants in those States that have chosen not to participate in the programs sponsored by the Act. We do not believe that States and their local governments that choose not to participate because they are not able to comply with certain portions of the act should be penalized by not receiving funds for worthy projects. Should they be, it would be the juveniles in those States who would be most affected, not the elected officials who can not or will not comply with the act.

New provisions which would allow up to 100% of a State's formula funds to be used as matches for other Federal juvenile delinquency programs are also welcome. State and local governments continue to suffer the effects of the recession and will long after the private economy has recovered. This provision will allow greater flexibility and encourage better funded juvenile justice programs.

Despite the many improvements in the act, only a few of which we have commented upon, there are still areas deserving of additional congressional attention. For example, provision has not been made for the representation of either State or local elected officials, other than judges, on the national advisory committee. We think this omission crucial in light of the role elected officials play in our juvenile justice system. Their participation would lend credibility and emphasis to recommendations made by the committee and would help ensure that the committee's recommendations were carefully considered by LEAA. We believe a proposed requirement that some members of the committee have experience in the juvenile justice system is a step in the right direction, but why not go one step further and provide for those with broad governmental experience participate as well.

We also note, in the same vein, that provision has not been made for the representation of local elected officials on the State planning agency advisory groups. We think the State planning agency is thus denied a valuable source of experience and subsequently support for its efforts. It seems logical to us that the entire juvenile justice community be surveyed with respect to State plans

and that wtihout local elected officials an important segment of that community is ignored.

We would also recommend changes in those provisions that provide for planning monies. Reports have been received that planning monies have not been passed through to local governments in some States. We believe there should be a mandatory pass through of these planning funds just as there is for formula allocations. Planning is every bit as important at the local level as it is at the State level. If there are no planning monies, programs are implemented without adequate coordination or evaluation. Dollars for juvenile justice programs are scarce. We can ill afford not to use them wisely. Shortchanging local governments in planning research and evaluation monies is inconsistent with the purposes of the act.

Furthermore, we strongly urge increasing the overall amounts of planning funds to regional planning agencies and units of local government. The 15% currently provided, even when it reaches the local level, is not sufficient to meet planning needs.

Mr. Chairman, we commend the Congress in its dedication to address the problems of juvenile justice in a forthright manner. We have reason to believe the new administration is equally committed. County governments look forward to a new partnership with the Federal Government in this effort.

In closing, the National Association of Counties urges reauthorization of the Juvenile Justice and Delinquency Prevention Act and requests that serious consideration be given to inclusion of a new title providing for a program of State subsidies to better accomplish the purposes of the act.

ADDENDUM A

Draft: Language for new title to Juvenile Justice and Delinquency Prevention Act of 1974.

Delete paragraph 10 H of Section 223, Title II; include this language as a new title IV and renumber everything thereafter.

TITLE IV STATE SUBSIDIES

PURPOSE OF TITLE

This title provides a federal incentive for the establishment of voluntary state programs that will, through the use of subsidies to units of general purpose local governments:

(a) reduce the number of commitments of juveniles to any form of juvenile facility as a percentage of the state juvenile population;

(b) increase the use of non-secure community based facilities as a percentage of total commitments to juvenile facilities; and to

(c) reduce the use of secure incarceration and detention of juveniles;

(d) encourage the development of an organizational and planning capacity to coordinate youth development and delinquency prevention services and to ensure for service delivery accountability.

FEDERAL ASSISTANCE

The Administrator is authorized to make grants to states to accomplish the purposes of this title. Funds are to be allocated annually among the states on the basis of relative population of people under the age of eighteen pursuant to regulations promulgated under this part. Funds for part (d) will only be provided if, in the opinion of the Administration, states are in substantial compliance with one or more of parts (a), (b) or (c) listed above; or if the administrator is satisfied that there are currently being conducted programs to achieve the goals outlined in (a), (b) or (c).

Funds remaining unallocated at the end of a fiscal year shall be reallocated among participating states, as defined in this title, in a manner consistent with and in proportion to the original grants to those states.

Financial assistance extended to the states under this title shall be predicated upon a state contribution to the subsidy program of not less than 10% of the amount determined to be that state's share of the federal monies available under this title.

States may not withhold amounts in excess of their own contribution for administration of the subsidy program.

MONIES ALLOCATED TO NON-PARTICIPATING STATES

Monies that are earmarked for particular states under the allocation formula, but which remain unallocated because those states do not choose to participate in the program, shall be deposited in a general discretionary fund under the direction of the Administrator.

Those monies will be used to fund, upon application as provided by regulations promulgated under this title, programs sponsored by individual units of general purpose local government in those states not participating in the program. The funds available for this purpose must be used in non-participating states, but, at the discretion of the Administrator, not necessarily in the proportion mandated by the original allocation formula. The Administrator will, however, be responsible for ensuring that funds from the discretionary fund established by this title be distributed equitably among the states and that their use be consistent with the purposes of this title.

Those units of general purpose local government in participating states that submit acceptable applications for assistance under this title may, at the discretion of the Administrator, be required to provide a match, not to exceed 10% of the total federal dollars provided; and that match, if required, will be consistent with all monies provided under this program within that state.

PARTICIPATING STATES

States will be required to give notice to the Administrator of their intention to participate in this program within 30 days of the enactment of this title. In those states where an act of the legislatures are not in session, the Administrator will hold funds for those states in trust until 30 days after the convening of that legislature to ensure the opportunity for participation.

PLAN FOR PARTICIPATION

Following notification of the Administrator of an intent to participate, each state will have 120 days to submit an acceptable plan to the Administrator for the establishment of a state subsidy program consistent with the purposes of this title. The Administrator may, at his discretion, extend the 120 day planning period, when it is in the best interests of the states and the federal government.

An acceptable plan will include programs that will promote the purposes of this title, will utilize the contracted services of private non-profit youth services agencies to promote the purpose of this title, will provide adequate reporting and auditing requirements to ensure the expenditure of funds are consistent with the intent of this title, and will comply with regulations promulgated under this title.

DRAFTING OF THE STATE PLAN

The state subsidy plan submitted to the Administrator will be the product of a joint and cooperative effort by officials of state government, representatives of general purpose units of local government within the state and spokesman for private non-profit youth service agencies within the state.

The Administrator will notify states of the acceptability of their plans within 30 days of their receipt. Plans which are not acceptable will be commented upon by the Administrator and the states given opportunity to resubmit.

THE SUBSIDY PROGRAM

Local government programs receiving funds through state subsidy programs must be consistent with the purposes of this title. States requiring matches from participating units of general purpose local governments may not require that those matches exceed 10% of the federal monies in each project funded. States are not required to stipulate such matches. Experimentation among the states is encouraged with various kinds of subsidy programs.

STATES WITH EXISTING SUBSIDY PROGRAMS

States which have already instituted subsidy programs may participate fully in the program established by this title. Funds from this title may be used to expand existing programs in those states already having programs or they may be used to start new programs so long as all programs utilizing these monies are

consistent with the purposes of this title. Federal funds may not be used to replace existing state or local efforts in existing subsidy programs.

PARTICIPATION OF PRIVATE AGENCIES

This title recognizes the important role private non-profit youth service agencies can and should play in resolving delinquency related community problems. Units of general purpose local governments receiving funds under this program are urged and encouraged to utilize private non-profit youth agencies to help accomplish the purposes of this title through contracted services when feasible. Nothing in this title shall give the federal government control over the staffing and personnel decisions of private facilities receiving funds under this program.

AUTHORIZATION OF APPROPRIATIONS

To carry out the purposes of this title there is authorized to be appropriated $50 million for the fiscal year ending September 30, 1977; $75 million for the fiscal year ending September 30, 1978; and $100 million for the fiscal year ending September 30, 1979.

ADDENDUM B

California

California operates a $21 million program of probation subsidies: counties apply to be reimbursed for each youthful offender they keep at home who would otherwise go to a state institution. The state then pays the county the per capita, per day expense that would have been incurred. The state also offers a $2.8 million subsidy program for residential and day-care programs (provided in 24 of California's 58 counties). The Department of Youth Authority also administers $200,000 in special program funds, and is now trying to pry loose some state money for a new subsidy program that would fund local youth service bureaus.

Minnesota

The Minnesota Community Corrections Act of 1973 provides state funds to counties or groups of counties with populations of 30,000 or more that write a comprehensive plan for community corrections. This plan must apply to offenders of all ages.

The formula by which funds are distributed is based on per capita income, per capita taxable value, and per capita expenditures for each 1,000 people in the population for corrections, and the percentage of county population between 6 and 30 years old. (This formula matches a county's correctional needs to its ability to pay, and makes up the difference).

By allowing groups of counties to get together and develop a plan, Minnesota opens up the possibility of comprehensive services to rural counties.

Missouri

Missouri passed legislation a year ago that mandated the Division of Youth Services to provide subsidies to local governments for the development of community-based treatment services. But the state has not yet appropriated money to launch the subsidy program. Missouri's Division of Youth Services is working within the limits of the funding it has now to start the subsidy program, and is looking for other sources of money.

New York

New York appropriated $20 million this year to cities and counties that develop both a plan for comprehensive youth services, and the means to carry it out. Counties may receive $4.50 for each resident under 18 years old if they meet eligibility requirements and file a County Comprehensive Plan. A maximum of $75,000 is available for County Youth Service Bureaus. Counties put up a dollar for each dollar they receive.

To encourage developing and carrying out a comprehensive plan, the state charges counties 50 per cent of the cost of keeping the youth they send to state institutions.

Virginia

Virginia has had a program of subsidies to counties for 25 years, but only in the past five has the program been well-funded. The state reimburses 80 per cent of the costs incurred by counties to develop youth service programs. The state will also reimburse 66 per cent of staff salaries, 100 per cent of operating costs,

and 50 per cent of capital expenditures (to $100,000) for community residential programs.

The state offers to administer local programs directly, and assume all costs except for housing, furnishings, and maintenance. Virginia makes special funds available to courts for alternative boarding of children in facilities or foster homes, and for transportation, court-ordered tests, and diagnosis.

Virginia plans to spend $40 million in the next two years for community based youth programs.

STATEMENT OF LEE M. THOMAS, EXECUTIVE DIRECTOR, OFFICE OF CRIMINAL JUSTICE PROGRAMS, STATE OF SOUTH CAROLINA, ON BEHALF OF THE NATIONAL CONFERENCE OF STATE CRIMINAL JUSTICE PLANNING ADMINISTRATORS

Mr. Chairman, and distinguished members of the Committee.

On behalf of the National Conference of State Criminal Justice Planning Administrators and as Executive Director of the Office of Criminal Justice Programs of the State of South Carolina, I both welcome and appreciate this opportunity to provide you with oral and written testimony on the matter of the reauthorization of the Juvenile Justice and Delinquency Prevention Act of 1974.

The national conference

The National Conference of State Criminal Justice Planning Administrators represents the directors of the fifty-five (55) *State* and territorial criminal justice *Planning Agencies* (SPAs) created by the states and territories to plan for and encourage improvements in the administration of adult and juvenile justice. The SPAs have been designated by their jurisdictions to administer federal financial assistance programs created by the Omnibus Crime Control and Safe Streets Act of 1968 as amended (Crime Control Act) and the Juvenile Justice and Delinquency Prevention Act of 1974 (Juvenile Justice Act). During Fiscal Year 1977, the SPAs have been responsible for determining how best to allocate approximately 60 percent of the total appropriations under the Crime Control Act and approximately 64 percent of the total appropriations under the Juvenile Justice Act. In essence, the states through the SPAs are assigned the central role under the two Acts.

National conference perspective

The National Conference fully supports reauthorization of the Juvenile Justice Act and continuation of the administration of Title II of the Act by the Law Enforcement Assistance Administration (LEAA).

However, the National Conference believes (a) certain requirements of the Act must be modified to encourage realization of the *totality* of the objectives of that measure and (b) the level of federal assistance directed to the Act must be substantially increased to that end. The National Conference agrees in principle with S. 1218, the Administration's bill to extend and amend the Act. Specifically, the National Conference supports four major amendments to the Juvenile Justice Act of 1974:

(1) the Act should be extended for two years at $150 million per year;

(2) Section 223(a)(12) should be amended to require deinstitutionalization of status offenders over a five year period, with annual benchmarks to be established for each state through individual agreements made by LEAA with each state;

(3) Section 224(b) should be amended to limit LEAA's special emphasis program to no more than 15 per centum of the funds appropriated for Part B of Title II; and

(4) Section 223(a)(17) of the Act regarding special arrangements for state and local employees should be stricken.

Need for Federal assistance

As we in the states have refined the art of criminal justice planning and research, one shocking fact has become increasingly clear: juvenile delinquency is a problem far more serious than many seem to believe—and it is growing worse each year. Although youngsters from ages 10 to 17 account for only 16 percent of our population, they account for fully 45 percent of all persons arrested for serious crimes. More than 60 percent of all criminal arrests are of people 22 years of age of younger.

The State Planning Agencies have applied increasing amounts of funds to address juvenile problems, and the programs which we have developed have begun

to reshape the nation's youth service systems. The states have placed emphasis on deinstitutionalization of status offenders, segregation of juvenile from adult detainees in correctional institutions, community-based programming including shelter-care and foster-home placement, youth service bureaus, and other programs aimed at diverting juveniles away from the formal criminal justice system. These are the types of programs which have been developed by the states during the past eight years. This is where the emphasis has been and where it is expected to continue to be.

We firmly believe that more programs and more new ideas are needed. The philosophy in these programs is that juvenile delinquency should be addressed at the community level and that large institutions do not serve the rehabilitative needs of most juveniles. The community-based programs, which have been established to date, have been too few in number to show substantial impact on juvenile crime. The public demands results and quite frankly, we sense the beginnings of hardening public attitudes in dealing with juvenile offenders. Those who once supported a community-based approach may, out of sheer frustration, soon demand a return to institutionalization. We are uncomfortably close to coming full circle.

In a number of cities, conflicts are already beginning to develop between law enforcement officials frustrated by large numbers of juveniles arrested and released by the courts, and juvenile justice officials equally exasperated by the lack of sentencing and programming alternatives. There have, in some cases, been efforts directed at the establishment of new maximum security institutions for juvenile offenders. We do not believe this is the answer, but it is a manifestation of an uneasiness in our cities and counties, about which something must be done.

We believe that community-based programs contribute to a reduction in juvenile crime, and we continue to look to the Juvenile Justice Act as a means to that end. We urgently need the Juvenile Justice Act to be reauthorized and appropriations increased to expand our efforts. The job of reducing juvenile delinquency has already begun in the states, but it cannot be expanded as rapidly as is desirable or improved without the additional resources that should be provided pursuant to a reauthorized program.

Reauthorization period and funding level

We support the reauthorization of the Juvenile Justice Act for a two year period at $150 million per year.

The National Conference believes that because juvenile crime and delinquency is essentially a local problem it is best addressed at the local level. The Juvenile Justice Act is primarily a block grant program which authorizes federal funding and technical assistance based on problems identified and strategies formulated at the local level. We feel that it is important that the federal government continue to provide this financial and technical assistance without federal direction and control.

The two year authorization is recommended so that the Juvenile Justice Act and the Crime Control Act will both terminate at the end of Fiscal Year 1979. This will enable Congress to reconsider the two Acts simultaneously so that the substantive direction and administration of the two Acts can be made mutually supportive. Moreover, a two year reauthorization period will provide the Carter Administration with a reasonable period of time in which to assess the juvenile justice program and develop a long-range plan. The two year extension would also provide the Congress with approximately four years' experience from which to evaluate the operational and administrative activities under the Juvenile Justice Act prior to having to make major structural changes.

The National Conference recommends that the program be authorized at a level of $150 million per year, which is the same as the last year of the authorization of the present enabling legislation. The purpose of the Juvenile Justice Act is to increase funding for juvenile delinquency. The Crime Control Act also provides funds for this purpose. Increased authorization and appropriation levels for the Juvenile Justice Act should not result in equivalent decreases in authorization and appropriation levels for the Crime Control Act, as has occurred in the past. Congress should not play a shell game with appropriations for the two Acts.

Deinstitutionalization

We have every indication that states, even those not participating in the formal grant portion of the Juvenile Justice Act, support the concept that "juveniles who are charged with or who committed offenses that would not be criminal if committed by an adult should not be placed in juvenile detention or correctional

facilities". However, a major factor for the 15 jurisdictions which decided not to participate in the formula grant portion of the program in FY 1975, the 14 in FY 1976 and the current 10 in FY 1977, and for the slow rate of subgranting and expenditure of formula grants funds in participating states has been related to the deinstitutionalization requirement.

Some states thought they knew what the requirement meant, and concluded they could not "in good faith" make a commitment to a requirement for which they had insufficient resources and time to comply. Other states were truly puzzled over the meaning of the section which was "clarified" in different ways over a period of two years. Still other states felt they could in good conscience make "a good faith effort and commitment to deinstitutionalization, but they were fearful of sanctions if the requirement was not achieved. Many states were unwilling to move forward until there was an indication that significant federal funding would be provided. Given the Ford Administration's efforts to stifle the program through the appropriations process, many states were not willing to move until a clear indication of the direction of federal funding emerged from the battle between Congress and the President.

The National Conference believes that the deinstitutionalization requirement of Section 223(a)(12) must be modified in such a way that the states will have a reasonable time and resources to comply. The National Conference's recommendations take the following form.

(1) The states should have five years of program participation to deinstitutionalize. Many states had no or few resources available for caring for status offenders outside of institutions at the time of the passage of the Act. It takes significant time to get the political commitment behind a major reduction effort, to develop a network of service, and to have appropriate delivery mechanisms. Two or three years is simply not enough time to produce the required ingredients.

(2) Each state is extremely different. Appropriate, phased milestones for each state should be negotiated by the state and LEAA. This would enable there to be established reasonable and enforceable benchmarks for each state.

(3) The alternatives for deinstitutionalization should be broad. Placement in a shelter facility eliminates such community-based alternatives as (a) placement back in the parental home or in the home of a relative or friend, (b) a foster home, (c) a day placement or, (d) a school placement.

(4) The sanction for non-compliance should not be so severe that states who are philosophically and politically committed to deinstitutionalization would not dare to risk participation. We recommend that the most severe sanction for failure to achieve deinstitutionalization of status offenders be denial of future formula grant funding. If states are threatened with having to repay formula grant money and/or losing juvenile delinquency "maintenance of effort" money under the Crime Control Act, we are certain even more states will decide to drop out of the Juvenile Justice Act program.

We believe that with a reasonable deinstitutionalization requirement and adequate Juvenile Justice Act funding close to 100% of the states and territories will participate in the program. Moreover, a reasonable requirement and sufficient funding would also permit states to use some of the Act monies on other juvenile justice priorities. States which elected to participate in the program created by the Juvenile Justice Act have found it difficult, indeed impossible, to do more with the current level of appropriations than address the deinstitutionalization and separation requirements. The National Conference believes these are worthwhile ends, but it believes also, as did Congress in legislating the Act, that strong initiatives must be undertaken to strengthen the juvenile justice system and prevent delinquency as well as to deinstitutionalize status offenders and segregate adults and juveniles. The Juvenile Justice and Delinquency Prevention Act is currently in name only an act to improve juvenile justice and prevention delinquency.

Special emphasis

The National Conference supports an amendment to Section 224(b) that would limit the special emphasis program to not more than 15 percent of the funds appropriated for Part B. We believe that the major portion of the money and LEAA's effort should be in support of the formula grant. Since the delinquency problem is essentially local, the major funding should be under the control of state and local officials. The National Conference believes that there should not be two different standards for discretionary programs under the two Acts. We do not know of any meaningful policy distinction which would limit LEAA to 15 percent under the relevant parts of the Crime Control Act but permit up to 50

percent of funds under Part B of the Juvenile Justice Act. The 15 percent limitation would create the same standard for both Acts.

Employee protection

The National Conference recommends that Section 223(a)(17) of the Act be stricken. Existing state and local laws appear to be adequate to cover this area. It is also inappropriate for federal legislation to deal with local and individual employee relations, especially in areas which are likely the subject of collective bargaining agreements. Units of state and local government should not be required by the federal government to be the employer of last resort. When employees are no longer needed, units of state and local government should not be required to keep them on and thereby create sinecure positions.

Comments on S. 1218

The National Conference is generally *supportive* of S. 1218. It makes a number of substantive and technical amendments which should improve the implementation of the Act. What follows are some specific comments on a few key provisions of S. 1218.

(1) The National Conference *supports* Section 2 (4). The additional word should clarify that the subsection deals with federal agencies and prohibits LEAA mandating state units of government to comply.

(2) The National Conference *opposes* Section 3(4). We would prefer the current language of Section 222(d). The " in kind" matching provision for the juvenile justice program should be preserved. At a time of severe state and local fiscal dislocation, it is counterproductive to increase financial burdens on state and local communities. However, we support the exception for private, non-profit organizations. Much of the money under the Act is to start up new private, non-profit operated programs in local communities. These programs will frequently be run by newly formed or resource poor charitable corporations which cannot provide match. The newly proposed Subsection (e) is not applicant if the present "in kind" is retained.

(3) *We support* Section 3(5). The major amount of juvenile delinquency rehabilitation and prevention programs operate at the local level.

(4) The National Conference *supports* the intent of Section 3(13), but would suggest that the better way to clarify this matter would be to strike the phrase "but must be placed in shelter facilities," ending the sentence after words "correctional facilities." This change provides the states with greater flexibility and eliminates any misunderstanding that placing a child in a statutorily undefined entity called a shelter facility is the only alternative to institutionalization. Moreover, if the words "shelter facilities" are used, LEAA must define the words later. Any such definition would run the danger of excluding some appropriate alternatives to institutionalization.

(5) The National Conference would *add* a section striking Sections 223(a)(17) for the reasons set forth earlier.

(6) The National Conference *opposes* Section 3(14). As indicated earlier, we would modify the deinstitutionalization requirement by providing the states five years to achieve the target, with annual benchmarks decided upon through negotiations between LEAA and the individual states.

(7) The National Conference would *add* a section that limited the special emphasis program to not more than 15 percent of the funds appropriated for Part B for the reasons set forth in the earlier discussion.

(8) The National Conference *opposes* Section 3(24)(f). We support the present language of the Act. We believe that funds not required by a state or which become available following administrative action to terminate funding should be reallocated by Section 222(b) as formula funds and not as special emphasis funds to those participating states which have shown an ability to ultilize the funds.

(9) The National Conference *opposes* Section 5(1) for the reasons explained supra. Rather, the National Conference calls for a two year authorization of $150 million per year.

(10) The National Conference *opposes* Section 5(4) which would require the chairman and two other members of the advisory group to become members of the state supervisory board. While we support the purpose of the amendment to assure appropriate coordination of the two groups, we feel that it should be left to each state to work out the appropriate liaison relationship. We feel that the composition of the state supervisory boards should not be changed again as it has been by amendments in 1970, 1973, 1974 and 1976 to the Crime Control

legislation. This change should have been required, if meritorious, during the reauthorization of the Crime Control Act in 1976. Because state supervisory boards are now required by the 1976 amendments to be established by statute, this amendment would require fifty-five jurisdictions to go to their legislatures to secure the change. This will create significant implementation problems in some states.

Comments on S. 1021

The National Conference is generally *opposed* to S. 1021. It makes numerous substantive and technical amendments which would make more complex the operation of the Juvenile Justice and Crime Control Acts. What follows are some specific comments on key provisions of S. 1021.

(1) The National Conference *opposes* Sections 2(1), 2(2), 2(5), 2(6), 2(7), 2(9), 2(10), 2(24), 3(1), 3(41), 3(44) and any other sections which wrest control of the Juvenile Justice Act from the direction of the Administrator and vests it in the hands of the Assistant Administrator in charge of the Office of Juvenile Justice and Delinquency Prevention.

A major problem with the Office of Juvenile Justice and Delinquency Prevention has been that it has virtually been a separate agency within LEAA, over which the former LEAA Administrator exercised very little control. The Office has operated largely independent of the rest of LEAA in such areas as guidelines development, monitoring, financial management and program development. What is needed is far greater control and coordination by the Administrator over this entity running adrift.

Present Section 201(d) of the Juvenile Justice Act indicates that all powers of the Assistant Administrator are subject to the *direction* of the Administrator. Throughout the Act authority is vested in the Administrator. Examples are Sections 202, 203, 204, 221, 223 (c) and (d), 224, 225, 226, 228, etc. In practice, the Administrator has failed to exercise that power, but delegated it to the Assistant Administrator. Section 527 of the Crime Control Act permits the Assistant Administrator under the direction of the Administrator to coordinate juvenile justice activities. Some people have interpreted this section as giving final authority to the Assistant Administrator. Since this interpretation is problematic, perhaps Section 527 is better deleted than retained. In light of all the sections of the Juvenile Justice Act, it was never intended that the Assistant Administrator would every have dictatorial powers.

Rather than deleting the power and authority vested in the Administrator as suggested by S. 1021, perhaps it should be increased by adding the words "and control" after the word "direction" and deleting Section 527 of the Crime Control Act.

S. 1021 would cause further separation and confusion at both the LEAA and state level. There would likely be two bureaucracies rather than one, with different administrative procedures, programmatic priorities and operating philosophies. At many points of operation, the criminal justice system is the same for adults and juveniles. The same crime prevention, police, courts resources and activities deal with juveniles and adults. It is artificial to conceive of the activities of these agencies as entirely separate. If the two LEAA programs are permitted to operate separately, one LEAA policy for adults could conflict with another LEAA policy for juveniles. We don't need a double-headed hydra.

Additional reasons for the National Conference's opposition to the bill concern sections 2(3), 2(4), 2(5), 2(7) and 2(9) of S. 1021 which further add to the weight of bureaucracy by increasing the number and pay of high level executives. Section 2(28) creates another grant making organization.

(2) The National Conference specifically opposes Sections 2(9), which would add a Section 202(f). This new section would grant the Assistant Administrator open ended powers, making the Assistant Administrator the "czar" of juvenile delinquency. As a result the formula grant program could become only an illusory block grant program since all effective power would rest with the Assistant Administrator.

(3) We oppose Section 3(3) which would prohibit a state from increasing a grantee's matching share over a period of time, leading to a full assumption of cost at the end of an appropriate period.

(4) The National Conference opposes Section 3(4) which would require 10 percent of the formula grant to be allotted to the state advisory group and Section 3(8). It makes no sense to fragment the fund administration and increase the number of decision-making bodies. Either the state supervisory board is the appropriate decision-maker, or it is not. An advisory group with grant-making

authority is no longer advisory. Why increase the administrative costs of the program?

(5) The National Conference *opposes* Sections 3(6) and 3(7) changing the requirements for the advisory groups. Constant changes in direction in composition requirements only lead to increased frustration, changing group dynamics and upheaval. The new people called for by Sections 3(6) and 3(7) can already be members of the advisory groups. However, by making these new requirements, changes will occur in most advisory groups; and a period of reeducation will have to occur before effective action can be undertaken.

(6) The National Conference *opposes* Sections 3(20), 3(21), 3(22), 3(23) and 3(28). Rather than lessening the requirements for deinstitutionalization of status offenders, these sections increase the burdens and harshen the sanctions. As a result, the number of states that opt to continue participation in the program can be expected to decrease dramatically.

(7) Section 3(29) is opposed. Funds not applied for should be reallocated as formula funds to participating states.

(8) The National Conference opposes Section 5(1). We believe that a two year authorization of $150 million per year is advisable.

In summary, the National Conference can find little good to say about S. 1021. It makes a few technical improvements which are the same or similar to S. 1218. However, the vast majority of provisions, if enacted, will cause maladministration and non-participation. Because of the plethora of changes recommended, many provisions were not commented upon as they could be.

Mr. Chairman, you have heard from a representative of counties advocating federal incentives for state subsidies to local units of government. We, like the National Conference of State Legislatures, *oppose* this proposal. The objection is that the program would use a portion of federal funds to reward or penalize states which provide their own general fund subsidies to local government. Because of varying financial conditions among the states, some states may be able to subsidize local prevention and correctional programs while other states have insufficient revenues to provide subsidies. We find it abhorrent that the federal government should be asked to mandate state governments be required to subsidize local government. It is our feeling that units of local government should present their cases to the state legislatures and seek state funds directly without relying on the federal government to mandate state action.

Mr. Chairman, the National Conference appreciates the opportunity you have provided to us to make our views known.

Attached for your information is a copy of the National Conference's proposed amendments.

PROPOSED AMENDMENTS

(1) Amend Section 204(f) to read: "The Administrator may require, through appropriate authority, *Federal* departments and agencies . . ." (additional word italicized).

(2) Amend Section 223(a) by substituting the word "develop" for the word "implement".

(3) Modify Section 223(a)(12) to indicate that deinstitutionalization should be achieved within 5 years, with reasonable annual benchmarks agreed upon by LEAA and the state planning agency. Delete the phrase "but must be placed in shelter facilities".

(4) Delete Section 223(a)(17).

(5) Amend Section 224(b) to read "not *more than 15* percentum of the funds appropriated . . ." (change italicized).

(6) Amend Section 261(a) to provide for a two year authorization at $150 million per year.

STATEMENT OF MARION W. MA[illegible]GLY, MEMBER, NATIONAL ADVISORY COMMITTEE FOR JUVENILE JUSTICE AND DELINQUENCY PREVENTION, BETHESDA, MD.

Mr. Chairman: I am pleased to appear before this subcommittee as a representative of the National Advisory Committee on Juvenile Justice and Delinquency Prevention. The Committee urges the Congress to reauthorize the Juvenile Justice and Delinquency Prevention Act of 1974 and has voted on a comprehensive set of recommendations regarding this legislation. These recommendations were submitted to Senator Bayh, then chairman of the Senate

Subcommittee to Investigate Juvenile Delinquency, at his request, on March 11, 1977.

The National Advisory Committee was created by the Juvenile Justice Act as part of a congressional emphasis on improving the coordination of Federal juvenile delinquency programs. The Committee has 21 Presidentially appointed members with wide ranging experience in the fields of youth, juvenile delinquency, and the administration of juvenile justice. By law, one third of the members must be under the age of 26 at the time of their appointment. This provision has brought to the group the views and special concerns of the young in formulating public policy and in developing programs for delinquency prevention and juvenile justice. Committee membership is further strengthened by a requirement that a majority cannot be full-time Federal, State, or local government employees. The Committee's makeup thus includes members from a number of private agencis whose support and activities are essential for the successful implementation of the Act.

The National Advisory Committee has three major subcommittees: The Advisory Committee to the Administrator on Standards for the Administration of Juvenile Justice; the Advisory Committee for the National Institute for Juvenile Justice and Delinquency Prevention; and the Advisory Committee on the Concentration of Federal Effort, all of which have met frequently and developed specific recommendations in their areas respective responsibility.

The full Committee has met nine times. Early meetings served to orient the Committee to the range of Federal programs and to its relationship to the Office of Juvenile Justice and Delinquency Prevention (OJJDP) and other Federal programs. Later meetings focused on specific issues in juvenile justice and on particular programs. The Committee developed a set of recommended research priorities for the National Institute, formulated national standards for juvenile justice which have been submitted to the Congress and the President, and prepared a set of objectives to guide the Committee's activities over the next year. The Committee considers the standards on juvenile justice to be one of its major accomplishments and to be a significant contribution to the improvement of juvenile justice. The Committee is pleased that the office feels this way as well, and will use the standards as a guide for program and coordination activities. It is the strong hope of the Committee that through the demonstration and evaluation of the concepts contained in the standards, they will become strongly supported by the Congress and other Federal youth service programs. The Committee also prepared and submitted its first report to the Administrator of the Law Enforcement Assistance Administration on September 30, 1976 which includes 13 recommendations for improving the Federal juvenile delinquency prevention effort.

Before discussing specific recommendations of the National Advisory Committee I would like to commend the OJJDP staff for doing an outstanding job in attempting to carry out the purposes of the 1974 Juvenile Justice. However, I would like to state for the record that the number of job slots made available to OJJDP for support of the Act has been unreasonably limited in light of the importance, complexity, and comprehensiveness of the responsibilities assigned.

I would now like to highlight a few of the recommendations of the National Advisory Committee, as they are relevant to the proposed legislation:

Congress and the President should support full funding for the 1974 Juvenile Justice Act, including money for appropriate staffing of the National Advisory Committee and the Coordinating Council on Juvenile Justice and Delinquency Prevention;

The various agencies and bodies working in the juvenile justice and delinquency prevention fields should make delinquency prevention as well as juvenile justice a high priority in their programs and activities:

States and localities should develop supportive services for status offenders. Juvenile courts should not be involved in such cases unless all other community resources have failed:

The President and the Attorney General should give the highest possible priority to the work of the Coordinating Council on Juvenile Justice and Delinquency Prevention.

To improve Federal coordination of delinquency programs, the Office of Management and Budget should be added to the membership of the Coordinating Council.

Let me turn now to the National Advisory Committee's specific recommendations on the legislation under consideration.

The Committee believes that the 1974 Act represents a landmark achievement in helping prevent delinquency by removing inappropriate youths from the juvenile justice system and by providing them with alternative methods of care, The Act provides a needed framework for combining the delinquency prevention efforts of Federal, State, and local governments with those of the private sector. Thus, the Committee endorses the general philosophy and provisions of the Act and recommends its reauthorization with only relatively minor changes. The Committee believes that LEAA should continue to have jurisdiction over the Act. LEAA's legislative mandates and organizational structure are closely related to those of the Act and the Committee believes that LEAA's administration has facilitated the Act's implementation.

The Committee strongly recommends that the Presidentially appointed Assistant Administrator who heads OJJDP be delegated all administrative, managerial, operational, and policy responsibilities related to the Act. The Committee believes that some of these responsibilities, which have been carried out to date by the LEAA Administrator, should more appropriately be delegated to the Assistant Administrator in charge of this important national office. Under the present arrangement, the Assistant Administrator bears the responsibility without having the corresponding authority.

Another Committee recommendation concerns the makeup of the Coordinating Council. The Council is charged with making recommendations to the Attorney General and the President with respect to the coordinaton of overall policy and development of objectives and priorities for all Federal juvenile delinquency programs. The Committee believes that several additions to the Council's membership would enable it to carry out these functions more effectively. Therefore the Committee recommends that the Directors of the Office of Management and Budget, and the National Institute on Drug Abuse, as well as the Commissioner of the Office of Education be included on the Council.

The Committee has several recommendations concerning the matching requirements of the Act. The Committee believes that there should be a 10 percent hard match required for units of government but that the Assistant Administrator should be permitted to waive matching requirements for private nonprofit agencies. These agencies are critical to the successful implementation of the Act, representing the efforts of millions of citizens whose services could not be bought at any price. Furthermore, the involvement of these groups in providing services for youths offers an alternative to costly and often stigmatizing processing by the juvenile justice system. Many of the private nonprofit agencies operate on severely limited budgets and would not be able to participate in the Act if the match requirements were strictly adhered to. The Committee also recommends that the Assistant Administrator should have authority to waive the matching requirements for Indian tribes and other aboriginal groups and to waive State liability and to direct Federal action where the State lacks jurisdiction to proceed.

The Committee has noted that some States have been reluctant to participate in the Act's formula grant program because of the requirement that participating States deinstitutionalize all status offenders within two years. The Committee believes that this problem could be lessened and more States influenced to deinstitutionalize status offenders if the Assistant Administrator were granted the authority to continue funding if the State is in substantial compliance with the requirement and has an unequivocal commitment to achieving full compliance. The Committee has also developed clearcut guidelines defining conformity.

A number of other amendments suggested by the Committee are:

Require that State advisory committees advise the Governor and State legislatures as well as State planning agencies regarding juvenile delinquency policies and programming;

Provide that the subcommittees of the National Advisory Committee are subordinate to the parent body;

Broaden the scope of the Runaway Youth Act to include other homeless youth;

Transfer responsibility for the Runaway Youth Act to OJJDP;

Improve the coordination of OJJDP's programs with the Office of Education;

Improve advocacy activities aimed at improving services to youth affected by the juvenile justice system;

Improve government and private programs for youth employment;

Continue the maintenance of effort provision.

Mr. Chairman, this concludes my formal presentation. I would like to thank the Committee for the opportunity of testifying and I would be pleased to respond to any questions the Subcommittee may have.

STATEMENT OF CHRISTOPHER M. MOULD, GENERAL COUNSEL, NATIONAL COUNCIL OF YMCA'S, ON BEHALF OF THE NATIONAL COLLABORATION FOR YOUTH, NEW YORK, N.Y.

Mr. Chairman, on behalf of the National Collaboration for Youth, I want to thank you and the Subcommittee for the invitation to testify before you on renewal and extension of the Juvenile Justice and Delinquency Prevention Act of 1974. We welcome the opportunity to share our views on juvenile justice and delinquency prevention—a matter of increasingly critical importance to this nation. This testimony is endorsed by the organizations listed at the conclusion.

It was a mutual concern over escalating delinquency and the future of young Americans that led twelve national youth serving organizations to join together as the National Collaboration for Youth about four years ago. The member organizations are:

Boys' Clubs of America, Boy Scouts of America, Camp Fire Girls, Inc., 4–H, Future Homemakers of America, Girls Clubs of America, Inc., Girl Scouts of the U.S.A., National Board of YWCA, National Council of YMCAs, National Federation of Settlements and Neighborhood Centers, National Jewish Welfare Board, Red Cross Youth Service Programs.

Our organizations collectively are serving in excess of 30 million boys and girls from a diverse and broad cross-section of this nation's young people from rural and urban areas, from all income levels and from all ethnic, racial, religious and social backgrounds. We cite this to make the point that our organizations represent valuable resources that can be tapped in cooperative ventures with federal leadership and funding. We have the experience of working with children and youth, many of whom are poor—poor in economic resources, poor in spirit, poor in opportunity, children who are alienated, children who are troubled, and children who get into trouble, very real trouble.

We have the expertise of tens of thousands of full-time professional staff, both men and women, who believe in the importance of their work in youth development, who are particularly committed to the need for diverting children from our outmoded American juvenile justice system.

We have the service of hundreds of thousands of volunteers, men and women dedicated to helping young people grow and develop into contributing citizens in their own right. They are people who realize that this is the only next generation we've got.

We also have the support of hundreds of thousands of concerned business and professional leaders across the country. These people serve on our local and national boards of directors. These are men and women of substance, who genuinely care and actively support programs designed to help the youth of America.

And we have billions of dollars in capital investment in equipment and facilities. Billions of program dollars have been expended by our organizations. But only within the last decade have we fully recognized and begun to focus on the youth who are most troubled and alienated. We have had to broaden our more traditional approaches to begin to include concentrated efforts with those in the greatest need. Through national leadership turning the spotlight on the problems of the poor, we have increasingly used our resources to provide positive program opportunities and environments for a wider spectrum of young people. With the addition of adequate federal leadership, direction and funding, these resources could be multiplied many times over in their effectiveness in reaching girls and boys who most need help.

Our first priority, at the inception of the National Collaboration for Youth, was enlisting the Federal government in a comprehensive effort to prevent and treat youth delinquency. Legislatively, our hopes were fulfilled in 1974 with enactment of Public Law 93–415, in great measure a tribute to the leadership of Senator Bayh. Our cause was immeasureably assisted as well by Senator Mathias.

It is of course that Act, the Juvenile Justice & Delinquency Prevention Act, which expires this year.

Mr. Chairman, we strongly endorse the renewal and extension of Public Law 93–415. We would urge the Congress to make this extension at least three years in duration.

The need for this legislation is, if that is possible, even more profound now than at the time of its original enactment. The news media provide us with an hourly and daily litany of school violence, substance addiction, gang resurgence,

vandalism and violent crime sufficient to persuade even the most casual observer that this country is failing on a massive scale to meet the needs of its young people. The price being paid in terms of deaths, injuries, property damage and, most important, wasted human potential is staggering.

The price in taxes for school security and repair, for increased police manpower, for incarceration facilities and correctional personnel, etc., is itself of monumental proportions.

While the Juvenile Justice Act is no panacea, it does provide a Federal commitment for the first time to address youth delinquency and its prevention head-on. It does provide the tools with which we can start to fashion services and programs for young people to maximize their positive human development. It does mandate the collaboration of the public and the private sectors on prevention and treatment of delinquency, a partnership indispensable to any progress. It does put the Congress on record as saying that prevention is the indisputable key to the reduction and elimination of youth delinquency. It does authorize desperately needed funds.

Has the full potential of the Act been proven since its passage? By no means. The time has been too short and the appropriations too small. Moreover, the previous Administration was actively opposed to funding of the Act and in numerous ways administratively delayed and impeded implementation of the Act. Furthermore, many states opted not to participate in funding under the Act because the appropriations were so small that the allocable dollars did not justify the required administrative and programmatic efforts.

Remarkably, almost three years since the Act was passed, LEAA has yet to award its first grant specifically for prevention of delinquency!

On the positive side, the Act has induced numerous states to make definite progress toward the deinstitutionalization of status offenders. The requirement of the Act that participating states complete that process is, in our view, both sound and of major importance. We do not favor a relaxation of the existing deinstitutionalization requirement, confident as we are that LEAA can and will be reasonable in its enforcement thereof.

The Act has served to initiate a valuable planning process in participating states, to identify needs, to set priorities and to allocate resources specifically to prevent and treat delinquency. As required by the Act, that planning process is beginning to bring together the public sector and the private non-profit sector, a too rare event in the annals of criminal justice planning.

LEAA funding has enabled ten of the Collaboration's member agencies and six other major national voluntary agencies to jointly undertake, with their respective local affiliates, action to build up the capacity of the private voluntary agencies to deliver needed community based services, in partnership with public agencies, to status offenders in Tucson, Arizona; Oakland, California; Spokane, Washington; Spartanburg, South Carolina; and a service district in Connecticut.

The progress evident at these and other sites toward deinstitutionalization of status offenders would not have occurred absent the Act's requirement. Retention of that requirement and development of these public/private partnerships to enhance capacity to deliver a variety of supportive services to status offenders is critical if deinstitutionalization is to be achieved and if status offenders are to have their chance to become positive and responsible members of society.

Without the renewal of P.L. 93-415, Mr. Chairman, such approaches to prevention and treatment of delinquency will wither on the vine. The beginning of hope for the future of many young people will sputter out if this landmark legislation is allowed to expire, erasing a vital Federal commitment to young people and depriving promising initiatives of the wherewithall to continue.

We are, of course, heartened by the new Administration's proposal to renew the Act for another three year period, following its recommendation to maintain Fiscal Year 1978 funding at the $75 million level of Fiscal 1977 instead of the prior Administration's proposal of $35 million. We are further encouraged by Senator Bayh's continued commitment to young people as evidenced in his introduction this session of S. 1021 and his continued service on this Subcommittee.

The subject of funding for implementation of the Act has greatly concerned us from its enactment and continues to do so. The appropriations made so far pale in comparison with authorization levels. As indicated earlier; a significant number of states either delayed participation under the Act or opted not to participate because the available funds were not worth the effort.

Mr. Chairman, this government directly spends more money annually on sport fishing and wildlife than is appropriated for this Act which is focused on helping and protecting our very own children. The annual expenditure per capita to incarcerate a juvenile offender far exceeds the cost of a year at Harvard University! We spend infinitely more on processing and jailing offenders than we do on preventing the offenses from occurring.

Our spending priorities are not supportable when we look at what is happening to our young people who are our only future.

We urge your leadership to secure authorizations of $150 million, $175 million and $200 million respectively to fund the Juvenile Justice Act for the next three fiscal years. Such levels will hopefully induce non-participating states to elect to participate and will begin to allow a level of effort commensurate with the scale of the nation's delinquency problem.

We would respectfully point out to this Subcommittee that should there be an erosion of the dollars available for juvenile justice expenditures under the Omnibus Crime Control and Safe Streets Act, the recommended authorization levels for the Juvenile Justice Act would, to that extent, be less than what is needed. This is a very real concern of ours since the "maintenance of effort" requirement earmarks a percentage of the total Safe Streets Act appropriation for juvenile justice rather than a specific sum. Accordingly, if the downward trend of the Safe Streets Act appropriations continues, the amounts earmarked for juvenile justice expenditure will correspondingly diminish. We need your leadership to assure that this does not work to reduce, rather than increase, the aggregate dollars available for juvenile justice initiatives.

Related to the critical subject of dollars is the issue of so-called matching requirements under Section 222(d) of P.L. 93-415. Our organizations and our local affiliates have experienced LEAA imposition of a hard cash 10% match. In many cases this has either made the undertaking of new initiatives impossible or in others very onerous.

In today's real world, private non-profit organizations are doing well if they operate on a break even basis. Too many are operating at a deficit and drawing on limited and dwindling reserves. Contributions and other revenues are not keeping pace with inflation. As costs escalate, our sector cannot, as business can, simply pass on those costs to the recipients of our services.

As we struggle to simply maintain our level of services, we do not have the spare cash to match a grant to enable us to initiate new services or expand established programs. Moreover, we always face the dilemma of financing the continuation of programs and services once LEAA funding terminates, which is typically two or three years from the first award. The combination of the up-front cash match and the limited duration of funding allowed by LEAA in practice, in too many cases, effectively precludes private non-profit agencies from undertaking badly needed new initiatives.

For these reasons, we would urge this Subcommittee to amend Public Law 93-415 to provide for 100 percent funding of approved costs of assisted programs or activities of private non-profit organizations.

We would also ask that this Subcommittee communicate to LEAA an intent that programs assisted under the Act not be limited to two or three years' funding provided that such programs or activities are, on the basis of evaluation, accomplishing their stated and approved objectives.

As this Subcommittee well knows, the best of legislation can founder in implementation due to the manner and means of executive administration. In the case of the Juvenile Justice Act, we have experienced ongoing problems as to the manner and means of its administration at LEAA too numerous to totally enumerate here.

In our experience, the Assistant Administrator and the Office of Juvenile Justice & Delinquency Prevention have been wholly dominated and subordinated by LEAA superstructure and the bureaucratic patterns and policies developed for administering the Safe Streets Act. The Juvenile Justice Act and the office it created, have, in practice, been treated by LEAA leadership as a mere appendage to its mainline criminal justice programs and their mandate, the Safe Streets Act. Implementation of the Juvenile Justice Act has almost been smothered in inappropriate regulations, policies, and guidelines developed for the very different Safe Streets Act program and simply engrafted onto the Juvenile Justice program and office.

We would respectfully suggest that vigorous Congressional oversight of LEAA's administration of the Act is needed. An example would be the need to assure

the establishment by LEAA of a credible system for monitoring LEAA's compliance with Section 261(b) of the Juvenile Justice Act, the so-called "maintenance of effort" provision.

The Act should be amended to give the Assistant Administrator the authority to make grant awards under the Act instead of reserving that authority to the Administrator. The Assistant Administrator is presumed to have special knowledge of the juvenile justice field which the Administrator cannot be presumed to possess.

Through legislation, or other appropriate means, the initiative of Congress is needed to assure adequate staffing of the Office of Juvenile Justice generally, and particularly for the support of the Federal Coordinating Council and the National Advisory Committee created by the Act. The staff for the National Advisory Committee ought to be accountable to the Committee Chairperson. We would urge amending the Act, with regard to the states, to require that the chairperson of the required state advisory committees and perhaps one or two other members of such committees be made members of the state supervisory boards overseeing criminal justice planning. This should give greater assurance that the work of the state advisory committees is not carried on in splendid, but relatively impotent isolation from decision making.

Mr. Chairman, we are mindful that young people are the nation's greatest natural resource and that this places a special responsibility on this Subcommittee as it carries out its mandate. Most of those young people cannot vote and therefore are without a voice in public policy deliberations and decisions. This fact underscores the very crucial role this Subcommittee has in protecting the present and future of American young people. We have every confidence you will fully meet that responsibility.

Our organizations, with years of experience working directly with youth, would welcome the opportunity to be of assistance to this Subcommittee as it works to assure that young people are given the opportunity to achieve their fullest human potential.

Thank you Mr. Chairman.

This statement is endorsed by the following organizations: Boys' Clubs of America, Camp Fire Girls, Inc., Girls Clubs of America, Inc., Girl Scouts of the U.S.A., National Council of YMCAs, National Federation of Settlements & Neighborhood Centers, National Jewish Welfare Board, Red Cross Youth Service Programs.

A Review of the Law Enforcement Assistance Administration's Relationship to the Black Community

(By Robert L. Woodson, Director, Administration of Justice, National Urban League, Inc., New York, N.Y.)

The National Urban League is an interracial, nonprofit, and nonpartisan community service and civil rights organization. Throughout its 65-year history, the League has been committed to the achievement of equal opportunity for all Americans. That commitment has been and continues to be carried out through a constantly expanding network of 104 affiliates located in 34 states.

We welcome this opportunity to express the National Urban League's concerns and views on the Law Enforcement Assistance Administration's re-authorizing legislation under consideration by this Subcommittee. The thrust of the testimony today will be to emphasize and encourage you to recognize the enormous potential for community involvement, especially minority community involvement, in crime control and prevention. Specifically, the League's position is that as this Subcommittee amends the Crime Control Act of 1973, it will recognize that community involvement should be a mandatory and substantial part of LEAA's activity.

The "War on Crime" has been one of the few battles in our history in which the black community has not been enlisted. Some years ago, the Administration prematurely declared a victory in that war. But, then and now, on urban fronts throughout the country, thousands of poor and black people continue to be disproportionately victimized by crime. The lack of black participation in the crime fight has created the false impression that the black community condones crime and protects criminals. Crime prevention, however, is a high priority in the black community. As the level of crime and fear increases in communities

CONTINUED

1 OF 2

throughout the nation, minority group organizations have exercised leadership and focused much of their energy on direct involvement in combating crime.

Officials in the law enforcement field have long recognized the importance of active citizen/community support in crime prevention. Yet, attempts to officially introduce the "community perspective" into the criminal justice system have met with indifference, limited technical/funding support, and on occasion, open resistance. The Law Enforcement Assistance Administration (LEAA), as a primary vehicle for innovation, reform and progress in the criminal justice system has failed to recognize or support minority citizen involvement in the crime fight.

The Urban League has a particular interest in community participation in crime prevention; crime has had a particularly ravaging effect on the black community. The reported 17 percent increase in crime during 1974 has been doubly felt in low-income and minority communities.

According to studies on crime victimization conducted in 13 American cities, blacks and other minorities are more than four times as likely to be victimized by crime as whites. Low and moderate income families experience significantly higher rates of robbery and aggravated assault.[1] The studies also indicated that at least one-half of all crimes committed are not reported. The victims' most commonly cited reason for not reporting a crime were that they felt "it was not worth it", or that nothing would be accomplished. This high incidence of unreported crimes provides only a small measure of citizen disenchantment and distrust of the criminal justice system.

The black community has been multiply victimized by crime. First, by the disproportionately high incidence of crimes against it; second, by the disproportionate numbers of black men and women imprisoned in a correctional system plagued with inequities and abuses; third, by the ravaging social and economic costs of crime; fourth, by the crime-induced fear and suspicion that permeates our communities at a time when we need community unity; fifth, by the unwillingness of the criminal justice system to solicit and support the input of informed citizens and community organizations; and sixth, by national policies that fail to address the root causes of crime—poverty, unemployment, discrimination, inadequate housing, education and health care.

The facts and figures on crime in America are harsh realities for the black community:

Criminal homicide, perpetrated by blacks on blacks, is particularly severe. Of an estimated 1,500 homicides committed in New York City in 1974, 545 of the victims were black; 67 of those victims were slain by whites or members of other racial groups.[2]

Youth, under nineteen years old, commit over 40 percent of all violent crimes and 70 percent of all poverty crimes in the nation. In the black community, the potential for juvenile crime is further exacerbated by the high rates of joblessness among our youth. If current trends continue, more than half of the nation's black youth will be out of work over the next 5 years.

About 40 percent of the State and Federal prison population is black. In 1973, nearly 83,000 of the 204,000 inmates in State and Federal correctional insitutions were black—a disproporionately high percentage when we note that blacks constituted less than 12 percent of the overall U.S. population.

The costs of crime and imprisonment depletes our communities of vitally needed manpower and economic resources. It has been estimated that every 1 million unemployed workers cost the nation about $16 billion in lost revenues and productivity. Today, there are roughly 400,000 inmates in Federal, State, local and juvenile penal institutions. Per capita expenditures on each person ranges from $9,600 to $12,000 per year. As citizens engaged in meaningful, lawful employment this prison population could put over $7 billion back into our economy.[3] In addition, as taxpayers, we bear not only the costs of imprisonment, but also the costs of welfare and social services to which the prisoners' families and dependents are forced to turn. During the course of a year, our correction institutions receive some 2.5 million persons (in-

[1] *"Criminal Victimization Surveys in 13 American Cities,"* U.S. Department of Justice, Law Enforcement Assistance Administration, National Criminal Justice Information and Statistics Service, June 1975.

[2] "Black on Black Crime: Why Do You Tolerate the Lawless?", Speech delivered by Roosevelt Dunning, Deputy Commissioner, New York City Police Department, Dec. 7, 1975.

[3] "Prisoners in State and Federal Institutions on December 31, 1971, 1972 and 1973." Law Enforcement Assistance Administration National Criminal Justice Information and Statistics Service, May 1975.

mates, probationers, parolees) and an additional 5.8 million family members are affected.[4]

And what of the victims of crime? Each criminal act has a tragic but immeasurable impact upon the victim. It is difficult to quantify the emotional as well as economic cost to the survivors of a slain loved one, the trauma experienced by a victim of robbery, assault, or rape. The crime victimization study, referred to previously, revealed that persons from families earning less than 3,000, or in the $3,000 to $7,499 range, were more apt to be crime victims. Nearly one-third of the robberies and larcenies perpetuated on these victims involved losses of between $50 and $250. A significant proportion of the crimes also led to serious injury and hospitalization of the victim.

The dangers of criminal victimization for school children and those working within schools—particularly those serving low-income and minority students—are high. In 1975, on school property juveniles committed 100 murders, 9,000 rapes, 12,000 armed robberies and 204,000 reported assaults on other students and teachers. In addition, school age children were responsible for more than $600 million in damage to school property. A proportionately higher number of these incidences occurred in the 104 largest school districts that service about 60 percent of all minority pupils.[5]

Ordinary crimes against business cost an estimated $16 billion a year. In 1973, the Small Business Administration estimated that losses to small firms from vandalism alone totaled $800 million annually. Black businesses, generally undercapitalized, can ill-afford the costs of extensive crime prevention and detection measures. Minority entrepreneurs, involved in local retail operations, suffer four to five times greater injury from crime than white business in the larger business/corporate community.

In this period of national economic down-turn, no community, least of all black and poor communities, can afford the costs of destroyed or stolen property, slain loved ones, personal injuries, disruption of families, imprisonment and other ills wrought by crime.

The criminal justice system should be the nation's first line of defense against crime. However, in minority communities, citizens must balance their concerns between escalating crime and their historical experiences with inequity and contradictions in the law enforcement system. The increasing numbers of poor and black people in correctional facilities appear to support the notion that wealth and race, more than the nature of guilt or character of a crime, are key determinants of who goes to jail and how long they are imprisoned. Our experience and observations also indicate that the allocation of police resources and the responsiveness of law enforcement officials to various communities are measured by these same key determinants.

Minorities, who are disproportionately the first victimized by crime and the most penalized for criminal activity when apprehended, are the least represented in the staffing and management of our criminal justice system. The Law Enforcement Assistance Administration, our one national vehicle for innovation and reform in the criminal justice system, has a dismal internal staffing pattern. Our review of reports obtained on LEAA employment patterns reveals that of the 184 employees at EAA's professional, administrative and management levels (above GS 14-16), only nine are black. In the key Office of Management and Planning—where decisions on grant priorities and policies are made—there are no blacks in administrative or management positions. In LEAA's central and regional staff offices, of the 196 employees below GS-6 grade level, some 106 are from minority groups.

LEAA, itself, recognizes the lack of minority participation among criminal justice practitioners. In 1968, the National Advisory Commission on Civil Disorders conducted a study of 28 police agencies and found that while the black population in cities surveyed was 24 percent, the median figure for black law enforcement personnel was only about 6 percent. Today, of nearly 600,000 employees with State and local law enforcement agencies, throughout the nation only 21,000, or about 3.5 percent are black. Little more than 1 percent of the judges in the U.S. court system are black.[6] Despite some marked advances over the last decade, minority representation in professional staff levels of correctional institutions remains limited.

---

[4] Greenberg, D. "The Problem of Prisons," American Friends Service Committee, 1970.
[5] Juvenile Justice Digest. February 13, 1976.
[6] Black Law Journal, "Black Representation in the Third Branch," winter 1971.

LEAA's 406(c) Curriculum Development Programs allocate funds to universities and colleges for the development of substantive criminal justice curricula. A consortium of seven predominantly white colleges and universities each received, over a 3-year period, $750,000 for their criminal justice curriculum development efforts and their coordinating office received $350,000 over the same period. Nearly $5.7 million was awarded to this consortium over a three-year period. In contrast, a consortium of nine black universities and colleges was recently awarded a nominal grant of $750,000 over a 14-month period—or $64,000 a year for each school in the black consortium versus $250,000 per year for each school in the white consortium.

The need for greater recognition of black colleges as potential resources for development of criminal justice programs is evidenced by the fact that of the 85 four-year black colleges and universities in the United States, they enroll over 40 percent of all black students and present 70 percent of the bachelor degrees received by black graduates. Further, according to reports by the American Council on Education, the number of blacks enrolled in white institutions has been steadily declining since 1970.

The Law Enforcement Education Program (LEEP) provides financial support to colleges for the education of persons employed by police, courts, correction facilities and other criminal justice agencies. LEEP assistance provides an opportunity for men and women working in criminal justice fields to improve their professional competence and upgrade their general performance. Students preparing for criminal justice careers may also take advantage of the program. Historically, LEEP's program emphasis has been on in-service training.

This emphasis, we believe is misdirected. Pre-service training and education programs targeted into the Southeast and Southwest sections where predominately black colleges and universities are located and where the size of the law enforcement labor force is generally smaller would certainly help fill the well-documented need for accelerated recruitment of black personnel into criminal justice professions.

An intensified pre-service training effort would allow greater participation by minority colleges and universities ultimately resulting in the creation of a strengthened affirmative action initiative.

The National Urban League, through its Administration of Justice Division, has attempted to increase the direct participation of the black community in a broad range of criminal justice activities. We have developed extensive experiences in administering criminal justice programs. In 1970, with a grant from New York City's Department of Corrections, the Urban League conducted a correction officers training program—training 700 raw recruits, 480 experienced correction officers and assistant deputy wardens. This demonstration project, designed to upgrade the correction officers' skills and sensitivity to inmate problems, resulted in the establishment of the nation's first training academies for correctional officers.

In cooperation with the Law Enforcement Assistance Administration, the National Urban League conducts a Law Enforcement Minority Manpower Project. Operating in 10 cities, the project has, since its inception in 1973, recruited 12,025 minorities who were counselled to pass appropriate civil service examinations in the criminal justice field, and placed 5,159 blacks and Hispanics in law enforcement and related jobs. The project recently produced a major documentary film on opportunities in the criminal justice field.

At the community level, the Urban League conducts a highly successful pretrial diversion program in Chester, Pennsylvania. This "Community Assistance Project," utilizing a community based staff which includes ex-offenders, resolves family disputes and neighborhood conflicts through arbitration. The early resolution of such disputes is important in that these conflicts normally account for 50 percent of all police homicides and result in the arrest and incarceration of participants as well as spectators.

The trend toward increased citizen involvement in crime prevention is especially marked in poor urban neighborhoods with high crime rates. However, many public and private nonprofit community organizations lack the funds to establish an ongoing institutional capacity to alert citizens to crime trends, mobilize residents to watch and report criminal activity, improve police-community communications and responsiveness, and deploy aid to victims. Poor and black communities across the country recognize the fact that neighborhood efforts to alleviate crime must not deter national efforts to combat the root economic and social causes of crime.

The National Urban League is greatly encouraged by the crime prevention activities of national organizations such as the National Center for Urban Ethnic Affairs, the Center for Community Change, their local affiliates and other community-based groups. A number of significant models for community action and involvement have emerged:

The Woodlawn Organization (TWO), a black community service and economic development group in Chicago's South Side section has trained and employed a neighborhood security force for nearly eight years. This 18-man force is employed to guard TWO's economic development and business interests. These include a major housing development (Jackson Park Terrace), a 504-unit housing project (Woodlawn Gardens), a shopping plaza and supermarket. In addition, the organization last year initiated a block watchers project in which local residents reported suspicious activities to the police. Ad Hoc escort services for the elderly have also been provided.

BUILD, a black community-based non-profit service organization in Buffalo, N.Y., operates a half-way house for ex-offenders; issues periodic community alerts on crime—flyers designed to elicit community cooperation in providing evidence and information to local police investigations; and conducts ad hoc counseling services for victims of crime and a referral-advocacy service in cases of alleged police brutality. BUILD has also participated in an in-depth study of discrimination in Buffalo's jury selection process, participated in negotiations during the Attica Prison revolt, and conducted a police precinct and court monitoring effort, using resident volunteers.

A community-based Crisis Intervention Program has been established in Philadelphia, Pa. For 10 years prior to its establishment in 1975, juvenile gangs in Philadelphia murdered an average of 30 or more people a year. Nearly all of the victims were young and black. Last year, that death rate dropped by half, principally the result of efforts of the Crisis Intervention Program—a program run largely by former gang members.

The East Los Angeles Community Union (TELACU), an alliance of eleven predominantly Chicano International unions and twelve independent community groups, has been highly successful in curbing gang violence within a local housing project. The Casa Marvilla organization (a member of TELACU) operates a gang dispersion program which provided family crisis intervention and counseling for gang members, and involves the youth in the development and construction of a new 504-unit housing project that will replace the current dilapidated public housing. In addition, TELACU played a key role in developing a HUD sponsored Security Patrol. This service, established in 1971, is staffed by young men who reside in the housing projects or surrounding neighborhoods. Since the initiation of the Tenant Security Patrol, there has been an appreciable decline in criminal activity (burglaries, assaults, violent disputes, etc.) within the projects.

In New Haven, Conn., SAND, a community organization, employs and involves a 200-member juvenile gang in constructive community services—rehabilitation of houses, support services for the elderly, community organizing, job training and other worthwhile efforts.

In Chicago, 2 years ago, a core group of 40 women built the Coalition of Concerned Women in the War on Crime. They established a program called "Operation Dialogue" in which neighborhood residents, churches, local police began meeting in small groups to express their concerns and ideas on resolving the problem of crime in Chicago. The group, now has some 1,500 members and, in cooperation with the police, has distributed information on neighborhood crime trends and patterns; and assisted block clubs in formulating crime prevention strategies. The group has also aggressively challenged discrimination in the police department.

In New York City, a variety of citizen-based crime prevention models have been developed. An estimated 6,000 volunteers are involved in child safety patrols throughout the city. Police have reported a marked reduction in street crimes during the hours of these parent patrols. More than 3,000 taxies are equipped with two-way radios connected to a base station and New York City radio police dispatcher. This program, using individual drivers, provides an added measure of self-protection for the drivers and provides citizens with additional eyes and ears against criminal activities on the streets.

The Block Association of West Philadelphia adopted intensive crime prevention strategies that include: use of piercing freon horns by volunteer-

neighborhood patrolers; help and counseling for crime victims: assistance to ex-convicts; and the organizing of youth social functions. At least 25 block groups belong to the association. In the four years of the program's operation, crime in the neighborhoods involved has been reduced, the decline in property values has been reversed, and the neighborhoods have shown much greater stability.

A national organization, the National Urban Coalition, in conjunction with the Field Foundation, funded the Lawyer's Committee for Civil Rights Under Law to conduct a major critique of LEAA programs (1969 to 1972). The report, entitled "Law and Disorder" has been a major tool for community involvement.

The preceding examples of positive citizen/community involvement in crime prevention provide only a modest indication of the potential for success of diverse community models for participation in the criminal justice system.

In 1974, Donald E. Santarelli, former Administrator of LEAA, observed that:

"It is time for us to carry out the will of the Congress through the LEAA program, to become the spokesmen and advocates of the people—to make certain that their interests are a primary factor in all we do. The criminal justice system, in working to achieve the goal of crime reduction, must make citizen interests and citizen participation an integral part of its operation . . ."

That mandate has yet to be met. LEAA support of community- based and community-run crim prevention initiatives has been halting and piecemeal. In proposing the Community Crime Prevention Act of 1973 (legislation which was not acted upon by Congress), it was noted that only about 2 percent of the LEAA action funds were allocated by the states for community involvement programs. In fiscal year 1975, there was only a modest improvement in support of such community efforts. Indeed, we even question LEAA's definition of community involvement funding. Since fiscal year 1971, over $26 million has been allocated to public and private interest groups that are, themselves an integral part of the criminal justice system's operation—e.g., the National District Attorneys Association, the National Sheriffs Association, the International Association of Chiefs of Police, the National Conference of State Criminal Justice Planning Administrators. LEAA officials have cited support of such groups as proof of its commitment to community/citizen involvement. While we in no way wish to demean the valuable work of such groups, we do not believe that their funding by LEAA is representative of or responsive to a realistic commitment to involving neighborhood-based and controlled nonprofit community organizations in the planning and implementation of crime prevention programs.

Further evidence of LEAA's lack of understanding or commitment to funding community crime prevention and control activities can be found in its Sixth Annual Report where, counted among the agency's citizen-initiative efforts, were the following programs:

An Omnibus Courts Improvement Project—$1.04 million grant to the Kentucky Department of Justice.

Support for the National Crime Prevention Institute—a $295,998 grant to the University of Louisville's School of Police Administration.

Project Turn-Around—a $1.6 million grant to the Executive Office, Milwaukee County Courts.

The largest portion of LEAA's discretionary grants continue to be allocated to police science, police technical research and gadgetry. Small and large grants for relatively unimaginative projects with rather spacious benefits continue to receive preference, while community organization proposals are given cursory reviews and are, more often than not, rejected.

We believe that the intent of citizen initiative in crime prevention is not being met in LEA's current community crime prevention focus. Numerous public and private consultant and technical research firms have received grants under the auspices of "community crime prevention". The involvement of these firms in technical research on "victimology" or assessment of crime trends and the operation of criminal justice systems has resulted in a useful body of data. However, their involvement in the planning and implementation of local crime prevention programs has been characterized by limited insight, indifference to the input and concerns of community residents, and general ineptness.

One of the largest recipients of such funds—a research institute operating in a major metropolitan area—has, over the last 3 years used much of its $2 million in LEAA funds to devise community crime prevention plans of questionable merit. For example, this institute's solution to the high crime rate

plaguing a local neighborhood square involved fencing in the area. The recommendation, accompanied by an impressive array of supportive charts and documentation, and developed with no real input from area residents, was approved by city officials. If irate citizen reaction and protest are measures of community involvement in crime prevention, then this project successfully involved the community. When citizens were apprized of the dubious "fencing" plan, they banded together in understandable opposition and, after heated debate with city officials, the plan was mercifully trashed.

Another milestone in the institute's recommendations involved changing street traffic patterns in an effort to reduce congestion in a residential-commercial area plagued with crime. The neighborhood included a number of small retail and other commercial operations that would lose business with the change in traffic flow. In addition, area residents and merchants were not involved in the formation of this plan. The city approved this ill-devised plan, despite the vigorous protest of citizens. After all, the institute represented "experts" in the criminal justice field, and served as the city's prime technical assistance resource. However, the citizens documented the detrimental impact of the new traffic plan on the commercial viability of their area and initiated a lawsuit to halt implementation of the plan.

Representatives of the criminal justice system have readily and repeatedly admitted that, in the absence of citizen assistance, additional manpower, improved technology, and/or additional money will not enable law enforcement agencies to effectively combat crime. We strongly urge that this sentiment be an integral part of LEAA mandates, policies and funding under the new authorizing legislation. Specifically, the National Urban League recommends that:

1. Language be added to the declaration and purpose of the legislation noting that it is the purpose of Title I to also "encourage research and development directed toward improving and increasing citizen/community input and responsiveness to the law enforcement and criminal justice system, thereby enhancing the effectiveness and overall operation of the system."

2. That Part C, Grants for Law Enforcement Purposes, State Block Grants Purpose and Funding (Sec. 302, 303), Title I, be amended to include in the State Plan a requirement that the plan "demonstrate the willingness of the State and local government to support citizen/community-based initiatives by local private/public non-profit agencies in law enforcement, criminal justice, and crime prevention activities."

3. In Title I, Section 306, Allocation of Funds: Block Grants and Discretionary Funds, in the statement of eligible recipients of discretionary grants, the existing legislation states the eligibility of private nonprofit organizations. There are many neighborhood groups, however, that perform quite well, but lack the formal organizational structure for participation in this program. We recommend that a statement be added specifying eligibility for such groups, noting, "such groups that lack a formal structure with proven record, be qualified as eligible applicants for funding provided that they have a private, nonprofit sponsoring organization. This nonprofit sponsor will have administrative responsibility for no more than one year or until such time as the citizen group is able to satisfy the Director that they meet the minimum standard outlined in the legislation for nonprofit organization."

4. That Part D, Training, Education, Research, Demonstration and Special Grants Purpose (Sec. 401) and Section 406, Academic Education Assistance, be amended to provide full assurance for the recruitment, eligibility and involvement of disadvantaged and minority students, and minority colleges and universities.

In 1973, the National Advisory Commission on Criminal Justice Standards stated that "citizen involvement in crime prevention efforts is not merely desirable but necessary." This premise should be prominent in congressional deliberations on LEAA's authorizing legislation.

OTHER SOURCES

Radzinowicz, L. and Wolfgang, M. E., "Crime and Justice," vols. I and II, New York, Basic Books, 1971.

"Combating Crime Against Small Business," Dryden Press, 1973.

"Impact of Crime on Small Business," 1969–1970, Part 2, Hearings before the Select Committee on Small Business, U.S. Senate.

National Journal, "Justice Report Renewal of LEAA Likely, Despite Doubts on Crime Impact," Sept. 20, 1975, vol. 7, No. 38, p. 1329.

The Sixth Annual Report of LEAA, fiscal year 1974.

[From the New York Times, Oct. 29, 1976]

FUNDS TO END YOUTH-GANG VIOLENCE TERMED MISSPENT

(By Judith Cummings)

The National Urban League, reacting to recent flare-ups of yougth-gang violence in major cities said yesterday that millions of dollars in public money were being misspent through failure to use the expert knowledge of experienced minority-group organizations and gang members to combat the rise.

Moverover, a New York City Police Department youth-gang detective, in an interview at the league's offices, assailed the department's youth services as "totally ineffective" and said the police were making no serious attempt to remedy the situation.

"They don't talk about the ineffectiveness of the program, they talk about locking up the kids," said Sgt. Charles Gilliam, supervisor of youth gang intelligence in Queens.

League officials contended that positive results achieved by and for former gang members had been ignored, because the people and institutions paid to produce research are not aware of them.

"The Harvards of this country can never solve the problems of the Harlems of this country," Robert Woodson, director of the league's administration of justice division, said at a news conference that opened a two-day discussion with former gang members, criminologists, and others.

CONCLUSIONS OF STUDY

"Blacks and other minorities are identified as the perpetrators, but when allocations are made for research, it goes to the white institutions," he continued.

The league official's wrath was directed specifically toward a recent study on gang violence conducted by Dr. Walter B. Miller, of the Center for Criminal Justice at the Harvard Law School, under a $49,000 grant from the Federal Law Enforcement Assistance Administration. The study concluded that gang violence had reached a magnitude "without precedence" and would increase further as the population of "minority youths" grew in the large cities.

Mr. Woodson charged the research was done "without talking to a single gang member," an approach he contended was all too common and was the reason for the failure of programs to address the real problems. Dr. Miller was not available yesterday for comment.

The failure of the programs, Urban League officials and others charged, is consequently used as "an excuse" to seek stiffer penalties that would put more black and Hispanic youth in jail for longer periods.

[From the New York Daily News, Oct. 29, 1976]

GANGING UP ON PROBLEMS OF YOUTH

(By Dick Brass)

A two-day conference on the growing problem of gang violence opened here yesterday, but the participants—instead of being college professors—were the youth gang members themselves.

"We recognize that the Harvards of this country can never solve the problems of the Harlems of this country," said Robert Woodson of the National Urban League, which is sponsoring the session at its headquarters, at 50 E. 62d St.

The neatly dressed gang members—many of whom now call themselves former gang members—came from California, Florida and Pennsylvania, as well as from the New York area. And while they offered no solutions for the problem, they all suggested that criminal gang activities are the result of unemployment, oppression, idleness and despair.

"The gangs, they don't got nothing to do," said John Delgado, a 16-year-old former members of the Savage Sunrise gang in Harlem. "They figure they'll go out and have a good time. They get high on whatever they get high on. And when you're high, you don't feel the same way."

"The people in these gangs are just that—they're people," agreed Carlos Castenyetta, a 19-year-old youth worker who grew up in a troubled section of San

Diego, Calif. "People who happen to be unemployed; people who happen to be black; who happen to be Chicano; who happend to need services."

Denying that harsher punishment would prevent rampages of the sort that marred the Ali-Norton fight at Yankee Stadium in September, the gang members instead suggested that the gang organization itself could be used for more peaceful purposes.

"We have a saying," said 24-year-old Robert Allen, who once led Philadelphia's fierce Empire Gang, "when you get busted, you're being saved. That's because nine times out of 10, the jail is better than the cell you're living in at home."

Indeed, all youths present agreed that they would not be deterred from committing crimes by stiff punishment. Instead, they suggested, the best help for gang violence victims is help the gang members mature. "When I was young," Allen said, "life didn't mean anything to me."

According to Roberts, director of the Urban League's criminal justice division, the conference is part of an extensive study of youth violence begun in January. A report is expected next year.

STATEMENT OF FLORA ROTHMAN, CHAIRWOMAN, JUSTICE FOR CHILDREN TASK FORCE OF THE NATIONAL COUNCIL OF JEWISH WOMEN, NEW YORK, N.Y.

The National Council of Jewish Women, a social action and community service organization of 100,000 women in sections across the country, has, since its inception 84 years ago, been concerned with the welfare of children and youth. In 1974, the members of the National Council of Jewish Women conducted a national survey of juvenile justice which resulted in the publication of a report, "Children Without Justice."

A symposium on Status Offenders was sponsored by the National Council of Jewish Women in 1976. The National Council of Jewish Women's sponsorship of the Symposium adds to the organization's list of prideful achievements in a most significant way. Justice William O. Douglas, in his foreword to NCJW's penetrating survey, said that, "We must as a people look to community participation; to neighborhood awareness; and to regimes of help and surveillance that lean on people other than parents and police." As an outgrowth of the Symposium, a Manual for Action was prepared and is now being widely distributed.

Thank you for this opportunity to appear before you. I am Flora Rothman, Chairwoman of the Justice for Children Task Force of the National Council of Jewish Women. My statement is based on the experience of the National Council of Jewish Women's involvement in juvenile justice throughout the country, as well as my personal experience as a member of the National Advisory Committee on Juvenile Justice and Delinquency Prevention and as a participant in state and local juvenile justice efforts.

The National Council of Jewish Women was part of the widespread citizen effort to secure passage of the Act, so we share, with you in the Congress, the desire to make its implementation effective and a true reflection of the legislative intent. It is with this goal in mind that I would like to discuss some of the proposals made in S. 1021 and S. 1218.

Under Sections 201 and 202, several differences between the two proposed sets of amendments deal with the Office of Juvenile Justice and Delinquency Prevention and its Administration. Most particularly, S. 1021 would vest greater power in the Assistant Administrator as chief executive of the Office and would extend the Office's authority over juvenile programs funded under the Omnibus Crime Control and Safe Streets Act. Both warrant support. Reinforcing the Assistant Administrator's control over his Office is appropriate to his responsibilities in assuring implementation of the JJDPA. Including other LEAA-funded juvenile programs in the Office's responsibilities would speak directly to the Office's mandated role as coordinator of federal efforts—a role which as the General Accounting Office's study had indicated, requires strong support by Congress and the Administration.

Under Section 208, Duties of the Advisory Committee, S. 1021 would provide that the Advisory Committee's recommendations be made to Congress and the President as well as to the LEAA Administration. This would serve to support Congress' oversight efforts and should be included. In addition, I would endorse S. 1021's provision expanding the National Advisory Committee's role to include the training of state advisory groups. Reports from many states indicate that such support is necessary if state-level implementation is to be

achieved. I would also urge support of S. 1021's proposal reinforcing the Act's provision for independent staff for the Advisory Committee if the Committee is to fulfill its mandated duties.

Under Section 223, S. 1021 would strengthen state advisory groups' role in the development of state plans. This warrants your consideration since in the past some state planning agencies and supervisory boards have not given juvenile justice and delinquency prevention high priority. Advisory groups, reflecting public concern and relevant experience, would help strengthen efforts to deal with these areas.

Several provisions under Section 223 are concerned with deinstitutionalization efforts. Perhaps no section of the JJDPA has had more significant impact on juvenile justice than 223(a)(12), which called for the deinstitutionalization of status offenders. This provision finally put into action a recommendation made by national commissions and other authorities over many years.

I speak to this with some feeling since the National Council of Jewish Women members who participated in our original Justice For Children study were appalled to learn that non-criminal youngsters comprised so large a proportion of the children locked up in their states. Not only is this an injustice to children but, in light of public concern with serious crime, it is an inexcusable use of juvenile justice resources.

What we have learned since the passage of the JJDPA is that the deinstitutionalization of status offenders is quite practicable—where there is a commitment to do it. In New York state, no status offenders remain in training schools and full attention is being given their removal from secure detention. In Florida, a network of volunteer beds has expedited their deinstitutionalization. In West Virginia, not originally a participant, a recent court decision as well as a new state juvenile code forbid secure confinement of status offenders. In some states, the resistance of those with a stake in the status quo continues to be an obstacle. But to paraphrase Hamlet, "The fault lies not in the law, but in themselves."

It is with this background that we particularly urge the adoption of S. 1021's provisions:

1. That Section 223(a)(12) be expanded to include "such non-offenders as dependent or neglected children."

2. That Section 223(a)(13) emphasize the effort by including all children listed under (a)(12) among those to be barred from contact with adults in jails. Indeed, we would go further and urge that such placement be totally forbidden not merely protected by segregated cells.

3. That Section 223(a)(14) include non-secure facilities among those institutions to be monitored to assure that both the spirit and the letter of the law are observed.

4. That Section 223(c), outlining enforcement of this effort, include, in the penalty for non-compliance, withholding of maintenance-of-effort funds.

We have been distressed by modification of the original deinstitutionalization mandate. Our concern is that non-compliance will result not in penalty, but in further compromise. We believe that the deinstitutionalization effort will be as effective as its enforcement is observed. Should the cut-off of juvenile justice funds to a state be warranted, it will take the strong support of a Congress which stands by its principles to see that the mandate is observed.

In regard to Section 224(a)(7), we welcome the addition of youth advocacy to the list of Special Emphasis programs, but would recommend broadening it to include matters of rights as well as services.

In regard to the development of standards, two amendments recommended in S. 1021 are necessary to clarify an ambiguity in the JJDPA. The deletion of the words "on Standards for Juvenile Justice" in Section 225(c)(6) and of "on Standards for Juvenile Justice established in Section 208(c)" from Section 247(a) would clarify the role of the standards group as a sub-committee of the National Advisory Committee. We assume that Congress intended to have the full Advisory Committee approve and recommend standards not merely a 5-person sub-committee.

Although we would suggest several additional changes, the above reflect our major concerns except, of course, for funding.

The effort to secure adequate funding to implement the JJDPA has been an arduous one. The original authorization recommended for the first three years has never been followed. We hope that this Congress will make every effort to provide the money necessary to accomplish the effort it envisioned. We therefore urge that the appropriation for the fiscal year ending September 30, 1978, be

$150 million, with annual increments of $25 million over the next four years, as recommended in S. 1021.

Once again, may I express my appreciation for the opportunity to present these views.

STATEMENT OF WILLIAM W. TREANOR, EXECUTIVE DIRECTOR, NATIONAL YOUTH ALTERNATIVES PROJECT

Mr. Chairman, my name is William Treanor, Executive Director of the National Youth Alternatives Project (N.Y.A.P.) N.Y.A.P. is grateful for this opportunity to testify before the subcommittee on S. 1021. N.Y.A.P. is a non-profit public interest group, working on behalf of alternative, community-based youth serving agencies such as youth service bureaus, hot lines, drop-in centers, runaway centers, youth employment programs, and alternative schools. We do much of our work via alliance with state-wide youth work coalitions.

Starting in 1973 the N.Y.A.P. strongly backed the efforts of Senator Birch Bayh and others to pass the J.J.D.P.A. We viewed the Act as the critical first step in the Nation's recognition of the problems and issues surrounding youth in trouble. The N.Y.A.P. believes that significant positive inroads have been made and that any faltering in commitment to this Act would have an extremely detrimental effect.

With a few exceptions, N.Y.A.P. strongly supports S. 1021—Senator Bayh's amendments to the J.J.D.P.A. The Bayh amendments offer a clear and continuing commitment toward meeting the challenges of juvenile delinquency prevention. Anything less than full support may in fact sentence our activities to mediocrity or failure.

Specifically N.Y.A.P. wishes to bring to the Subcommittee's attention the following key points in the amendments. Addressed first will be points unique to the Juvenile Justice Section, addressed second, points unique to Title III or The Runaway Youth Section, and addressed last will be the issue of appropriations.

Please also accept these articles from the publication *Youth Alternatives* concerning the Act.

JUVENILE DELINQUENCY PREVENTION ACT

Increased authority to the Office of the Assistant Administrator and the addition of staff to the Office of Juvenile Justice

Although former Assistant Administrator, Milton Lugar, and the staff are to be commended for a job well done, it is, unfortunately, *only* a "job well done" because of the limited powers of the Assistant Administrator and shortage of the staff at the Office of Juvenile Justice. As was clearly brought out in testimony last week before the House Subcommittee on Economic Opportunity, the Office of J.J.D.P. is severely understaffed in relation to its amount of funding and responsibilities. Under S. 1021 the Assistant Administrator, while continuing to report directly to the Office of the Administrator is given broad new powers to ensure prompt implementation of the Act. N.Y.A.P. supports the strengthening of the Assistant Administrator's role.

No in-kind match for nonprofit corporations

S. 1021 proposed the elimination of the requirement for a 10% in-kind non-Federal contribution. We support the amendment as it is consistent with the Act's encouragement of innovative private sector programming. Many private non-profit corporations find it difficult to meet the 10% match requirement.

Deinstitutionalization compliance relaxed

N.Y.A.P. strongly opposed any retreat from the Federal commitment to remove status offenders from the Juvenile Justice System. The thousands of young people whose future would be jeopardized as a result of inappropriate confinement are more important than capitulating to some state's inability to develop an effective system of community based agencies.

National advisory committee makeup/powers

We strongly support the concept and role of the National Advisory Group. Unlike the Administration Bill, S. 1021 recognized the need for broad citizen input by allocating both funding and staff support for its successful operations. Furthermore, S. 1021 states that "Youth workers involved with alternative youth programs" be included in the National Advisory Committee, we strongly support this concept as alternative youth programs are playing an increasingly important role in local/state youth strategies. They should be represented.

Furthermore, we believe this representation should be extended to state advisory committees as well. We support the inclusion of language that will ensure the representation of youth workers on the National Advisory Committee and on state advisory committees.

The allotment of at least 10 percent of State funds in support of the State Juvenile Justice Advisory Group

We have reports of many state juvenile justice advisory groups being stifled in their performance because of limited staff support, paltry travel and per diem reimbursement for members and lack of training especially those members under 26 years of age. This amendment is essential if Congress is serious about youth and citizen participation in the development of juvenile justice policy.

The State Juvenile Justice Delinquency Prevention Advisory Groups should be strengthened even more than S. 1021 proposes

The State Juvenile Justice Delinquency Prevention Advisory Group should have the right of approval over the state plan. Citizen representation from the state juvenile justice advisory groups should be appointed to the State Planning Agency Supervisory Board.

TITLE III—THE RUNAWAY YOUTH PROGRAMS

Support for coordinated networks

The funding of such programs has an especially high multiplier effect, youth work coalitions can contribtue significantly towards the development of a progressive youth serving system if advocacy funds are available. They have a track record of positive accomplishment. Enclosed is a list of 37 of these you advocacy networks across the country. N.Y.P.A. believes these coalitions to be especially deserving of consideration and support. We believe that support by LEAA's Office of Juvenile Justice Advocacy Program should be of highest priority.

Inclusion of short term training

N.Y.A.P. supports this amendment as providing a much needed strengthening of the support capacity of the administering agency.

The Runaway Youth Act should include a $750,000 funding provision for a 24 hour toll free telephone crisis line

This National hotline would assist a runaway youth in initiating a reconciliation process with his or her family and enable runaway centers to communicate with service providers in the runaway's hometown. We believe specific language should be included mandating this service.

Raising the maximum amount of a grant to a runaway center from $75,000 to $100,000; and changing the priority of giving grants to programs with program budgets of less than $100,000 to programs with budgets of less than $150,000

This change is based upon computations of the actual cost of operating programs designed to provide services to runaway youth and their families. Also, the Congress should reaffirm that the purpose of the Runaway Youth Act is to provide services to runaway youth and their families and not to provide HEW with research data.

APPROPRIATIONS

Delinquency prevention and the treatment of juveniles already in the justice system are fields frought with difficulties, contradictions and elusive solutions. If we have learned anything during these past three years it is simply, that half measures or quick answers do not work.

Full funding for juvenile justice

We strongly support the proposed five year extension and accompanying authorized appropriations. We believe that any reduction in the appropriations may serve to undermine not only future activities but those successful programs already in action.

Five-year authorization for runaway programs

N.Y.A.P. supports the proposed five year authorization level of 25 million for runaway programs covered under Title III of S. 1021. The present funded level of 8 million supports only 130 programs. Under the proposed authorization upwards of 300 such centers could be supported.

NATIONAL YOUTH ALTERNATIVES PROJECT

A LIST OF YOUTH ADVOCACY NETWORKS

(Grouped by Federal regions)

FEDERAL REGION I

Burlington Youth Opportunity Federation, 94 Church Street, Burlington, Vermont 05401, Liz Anderson 802/863–2533.

Boston Teen Center Alliance, 178 Humboldt Ave., Boston, Massachusetts 02121, Rodney Jackson 617/442–1055.

Connecticut Youth Services Association, c/o Bloomfield Youth Services, Town Hall, 800 Bloomfield Avenue, Bloomfield, Connecticut 06002, John McKevitt 203/243–1945.

Connecticut Host Home Association, 220 Valley Street, Willimantic, Connecticut 06226, Fr. Malcolm MacDowell 203/633–9325.

New Hampshire Federation of Youth Services, c/o The Youth Assistance Project, 1 School Street, Tilton, New Hampshire 03276, Lily Gulian 603/286–8577.

FEDERAL REGION II

Coalition of New York State, Alternative Youth Services, 1 Lodge Street, Albany, New York 12207, Newell Eaton 518/434–6135.

Garden State Crisis Intervention Assoc., 7 State Street, Glassboro, New Jersey 08028, Paul Taylor 609/881–4040.

New Jersey Youth Service Bureau Assoc., 1064 Clinton Avenue, Irvington, New Jersey 07111, Elizabeth Gegen 201/372–2624.

New York State Association of Youth Bureaus, 515 North Ave., New Rochelle, New York 10801, Paul Dennis 914/632–2460.

FEDERAL REGION III

Baltimore Youth Alternative Services Association, c/o The Lighthouse, 2 Winters Lane, Baltimore, Maryland 21228, Oliver Brown 301/788–5485.

Federation of Alternative Community Services, c/o Second Mile House, Queens Chapel/Queensbury Road, Hyattsville, Maryland 20782, Les Ulm 301/779–1257.

Maryland Association of Youth Service Bureaus, c/o Bowie Youth Service Bureau, City Building, Bowie, Maryland 20715, Carolyn Rodgers 301/262–1913.

Washington D.C. Area Hotline Assoc., P.O. Box 187, Arlington, Virginia 22210, Bobbie Kuehn 703/522–4460.

FEDERAL REGION IV

Florida Network of Runaway and Youth Services, 919 E. Norfolk Ave., Tampa, Florida 33604, Brian Dyak 813/238–7419.

FEDERAL REGION V

Chicago Alternative Schools Network, 1105 W. Laurence Avenue (#210), Chicago, Illinois 60640, Jack Wuest 312/728–4030.

Chicago Youth Network Council, 721 N. LaSalle (#317), Chicago, Illinois 60610, Trish DeJean 312/649–9120.

Enablers Network, 100 W. Franklin Ave., Minneapolis, Minnesota 55404, Jackie O'Donoghue 612/871–4994.

ESCALT, 924 E. Ogden Avenue, Milwaukee, Wisconsin 53211, Dr. Andrew Kane 414/271–4610.

Federation of Alternative Schools, 1536 E. Lake Street, Minneapolis, Minnesota 55407, David Nasby 612/724–2117.

Illinois Youth Service Bureau Assoc., 23 N. 5th Avenue (#303), Maywood, Illinois 60153, Rick King 312/344–7753.

Indiana Youth Service Bureau Assoc., 104 Chicago Street, Valparaiso, Indiana 46383, Dennis Morgan 219/464–9585.

Michigan Assoc. of Crisis Services, c/o Riverwood Community MHC, 127 East Napier Avenue, Benton Harbor, Michigan 49022, Kelly Kellogg 616/926–7271.

Michigan Coalition of Runaway Services, 2043½ East Grand River Avenue, East Lansing, Michigan 48823, Bill Szarfarczyk 517/279–9750.

Michigan Youth Service Bureau Assoc., c/o Newaygo Co. Youth Service Bureau, P.O. Box 438, White Cloud, Michigan 49349, Don Switzer 616/689–6669.

Milwaukee Hotlines Council, 2390 N. Lake Drive, Milwaukee, Wisconsin 53211, Annette Stoddard 414/271–4610.

Ohio Assoc. of Youth Service Bureaus, c/o Allen County Youth Service Bureau, 114 East High Street, Lima, Ohio 45801, Bruce Maag 419/227–1108.

Ohio Coalition of Runaway Youth and Family Crisis Services, 1421 Hamlet Street, Columbus, Ohio 43201, Kay Satterthwaite 614/294–5553.

Wisconsin Assoc. for Youth, Kenosha Co. Advocates for Youth, 6527 39th Avenue, Kenosha, Wisconsin 53140, Michael Gonzales 414/658–4911.

Wisconsin Network of Alternatives in Education, 1441 N. 24th Street, Milwaukee, Wisconsin 53205, Michael Howden.

FEDERAL REGION VI

Oklahoma Youth Service Bureau Assoc., c/o Youth Service Center, 319 North Grand, Enid, Oklahoma 73701, Terry Lacrosse 405/233–7220.

FEDERAL REGION VII

Iowa Youth Advocates Coalition, 712 Burnett Avenue, Ames, Iowa 50010, George Belitsos 515/233–2330.

FEDERAL REGION VIII

Colorado Council of Youth Services, 212 E. Vermijo, Colorado Springs, Colorado 80903, Jan Prowell 303/471–6880.

FEDERAL REGION IX

Arizona Youth Development Assoc., c/o Maicopa County Youth Services, 1802 East Thomas Road (Suite 3), Phoenix, Arizona 85016, Clifford McTavish 602/277–4704.

Community Congress of San Diego, 1172 Morena Street, San Diego, California 92110, John Wedemeyer 714/275–1700.

FEDERAL REGION X

Alaska Youth Alternatives Network, c/o The Family Connection, 428 East 4th Avenue, Anchorage, Alaska 95501. Melissa Middleton 907/279–3497.

Oregon Coalition of Alternative Human Services, P.O. Box 1005, Salem, Oregon 97303, Laverne Pierce 503/364–7280.

Washington Association of Community Youth Services, P.O. Box 18044, Columbia Station, Seattle, Washington 98118, Barry Goren 206/322–7676.

[The following are articles from the publication *Youth Alternatives* concerning the act.]

JANUARY 1976

DECISION MEANS PROBLEMS FOR YOUTH SERVICES—LEAA TO REQUIRE 10% CASH MATCH FOR JUVENILE ACT FUNDS

(The following article was written by Mark Thennes, coordinator of NYAP's Juvenile Justice Project.)

Word has finally filtered down to the private sector that LEAA Administrator Richard Velde—with the concurrence of the Office of Juvenile Justice—has interpreted the Juvenile Justice and Delinquency Prevention Act as allowing LEAA to require at least 10% cash matching funds. All units of local government and, with rare exceptions, all private agencies will be required to secure a 10% cash (or hard) match rather than a 10% in kind (or soft) match for Juvenile Justice Act funds.

The probable effect of this administrative decision will be to make it more difficult for youth services—public and private alike—to participate in the Act. In tight fiscal times, youth services will be required to spend even more time acquiring the cash match; and there is the possibility that some states will not participate in the Act because of legislatures not providing the matching funds. This decision, then, may potentially sabotage the purposes of the Act.

Fiscal Guidelines M7100.1A Change 3, dated October 29, 1975, outline a difficult and bureaucratic process by which private agencies might obtain excep-

tions—though the rule will be exceptions will not be granted lightly. The appropriate LEAA Regional Office may grant exceptions if:

(1) A project meets the Act's requirements, is consistent with the State Plan, and is meritorious.

(2) A demonstrated and determined good faith effort has been made to find a cash match.

(3) No other reasonable alternative exists except to allow an in kind match.

Taking its line of argument from the Act itself, LEAA quotes Sec. 222(d), "the nonfederal share shall be made in cash or kind," and Sec. 228(c), "(the Administrator) may require the recipient of any grant or contract to contribute money, facilities, or services." With capricious reasoning, LEAA maintains that its intention is to allow private agencies to participate in the program and to fulfill the intent of Congress to integrate the Juvenile Justice Act with the Safe Streets Act (which *Congress* required a 10% hard cash match for).

A persistent argument for cash rather than in kind is that cash is easier for LEAA accountants to count. However, the purposes of the juvenile Justice Act do not list making the jobs of accountants easier.

In previous Senate debate, both Sens. Hruska (R–Neb.) and Bayh (D–Ind.) made references to *changing* LEAA policy to in kind match for the juvenile Justice Act. In his speech of August 19, 1974, Hruska noted:

"The conferees agreed upon a compromise match provision for formula grants. Federal financial assistance is not to exceed 90% of approved costs with the nonfederal share to be in cash or kind, a so-called soft match. This means that private agencies, organizations, and institutions will be better able to take advantage of opportunities afforded for financial assistance. The agreed upon match provision is in lieu of the provision of the Senate for no match and the House provision for a 10% cash, or hard match."

Two other references were made during the debate to a *compromise* between the House and the Senate. In the opinion of NYAP, the LEAA Fiscal Guidelines contradict the intent of that compromise, and as such clearly exceed the administrative authority of LEAA.

The Vermont Commission on the Administration of Justice (the LEAA State Planning Agency) has challenged the interpretations LEAA has made. They are considering seeking relief through administrative procedures or legal action. They have questioned whether LEAA has acted in "good faith," labeling this decision as "one of the best kept secrets of the century." The preliminary decision to require cash match was formulated last Spring, with most State Planning Agencies not being notified until late November—after already agreeing to participate in the Act.

LEAA failed to consult *any* national private youth organization on these Guidelines. Previously, LEAA had invited their comments on the juvenile justice Act Program Guidelines and received valuable input from the private sector. Additionally, it failed to heed input from national public organizations which strongly encouraged LEAA to drop the hard cash requirements.

It appears that Mr. Velde is unaware of the hardships this decision will cause for community based youth services. Both he and the Senate Subcommittee to Investigate Juvenile Delinquency could benefit from hearing from youth workers about the potential implications of this administrative decision. (Remember that feedback on guidelines in not lobbying.) You can write:

Richard Velde, LEAA Administrator, 633 Indiana Ave. NW., Washington, D.C. 20531;

U.S. Senate Subcommittee to Investigate Juvenile Delinquency, Washington, D.C. 20510.

LEAA Presses Juvenile Justice Representation

Since Spring, LEAA has been pressing its State Planning Agencies (SPA's) and their Regional Planning Units (RPU's) to comply with the juvenile Justice representation required by the Juvenile Justice and Delinquency Prevention Act. Both SPA Supervisory Board and RPU Boards review and approve comprehensive plans and funding related to the juvenile justice and other law enforcement programs.

As of December, 47 of 50 Supervisory Boards of SPA's met the required representation of "citizen, professional, or community organization directly related to delinquency prevention." The three that do not meet the requirements are Maryland, Connecticut and Virginia.

The same representation is required of the Boards of the RPU's. Compliance at this local level is not yet complete. The following is a partial listing of RPU compliance: New York (6 of 13 comply), Pennsylvania (5 of 8), Virginia (17 of 22), Maryland (0 of 5), Michigan (12 of 14), Illinois (6 of 19), Colorado (8 of 10), Missouri (10 of 19), Nebraska (6 of 19), and Florida (14 of 15). These assessments were made by LEAA Regional Office staff.

In most cases of noncompliance, LEAA Regional Offices have placed "special conditions" on the state's planning funds. These conditions usually require compliance by a specified date or penalties are imposed. New York, for example, was placed under special conditions to prohibit funding of local planning units beyond December 31, 1975, if they are not in compliance.

While LEAA presses for quantitative compliance, community youth services need to press for quality in these boards. Information on who represents juvenile justice, and vacant seats causing noncompliance, is available from your State Planning Agency. Where vacancies on these policy boards exist now, and when they occur in the future, youth services can advocate for persons who have demonstrated their interest in youth development. People who currently serve on these boards can also benefit greatly by hearing from youth workers about current needs of young people. For further information, contact Mark Thennes at NYAP, (202) 785-0764.

Recision of Juvenile Justice Act Funds Rumored

High government sources have confirmed a rumor is circulating to the effect that the White House is considering requesting a recission of the $40 million FY 76 funding for the Juvenile Justice and Delinquency Prevention Act. Whether there is any truth to the rumor is yet to be determined.

Recision, you will remember, is a Congressional response to former President Nixon's habit of impounding funds. It works like this: Congress creates a Bill and the President decides whether he approves of it or not. If he does approve, he signs it and it becomes an Act. Then Congress votes funds for the Act. If the President thinks it is too much, he can veto the funding; but if he approves he will sign it.

Later, if the President changes his mind—or worse, if he never intended to spend the money in the first place—he can order a recission, which, in effect, gives him a budget item veto. The catch, of course, is that he must go back to Congress where it can disapprove of this change of mind. The onus for acting to prevent a recission rests with Congress. If it does nothing, the appropriation is rescinded. Given the past Congressional support of the Juvenile Justice Act, however, it seems highly unlikely that a recission would be allowed.

February 1976

LEAA Hard Match Decision Draws Congressional Fire

The two authors of the Juvenile Justice and Delinquency Prevention Act of 1974, Sen. Birch Bayh (D-Ind) and Rep. Augustus Hawkins (D-Ca), have notified LEAA that its recent guidelines on matching requirements for grants under the Act to public and private agencies are a violation of congressional intent.

LEAA Administrator Richard Velde, with the concurrence of Milton Luger, head of the Office of Juvenile Justice, had interpreted the Act as allowing LEAA to require at least 10% matching funds from recipients which, with rare exceptions, were to be in cash (or hard) rather than in kind (or soft). This decision would obviously create difficulties for financially squeezed youth services—public and private alike—which wanted to participate in the Act. (See January, 1976, *Y. A.*) In addition, LEAA failed to consult any national private youth organizations in formulating these guidelines.

In a letter to Attorney General Edward Levi, Sen. Bayh wrote, "The Administrator has clearly misconstrued the Act and I am hopeful that your office will take appropriate steps to rectify this situation." Bayh included copies of an exchange of correspondence between himself and Rep. James Jeffords concerning an LEAA directive to Jeffords' home state of Vermont that its share of

programs under the Act be in cash. "If the matching cash is not available, Vermont stands to lose this vital program," Jeffords had written to Bayh.

Bayh responded to Jeffords that "our near half-decade review of LEAA policy made abundantly clear a need to facilitate the receipt of assistance by public and private entities, especially in the area of delinquency prevention. A primary obstacle to such progress was the 10% hard match requirement under the Safe Streets Act.

LEAA does not expect that SPA's will spend all of their FY 76 funds in FY 76, but it does expect them to spend more than they were before, about 30–40% as compared to 7–10%. Thus, while an SPA's budget may be cut, it has the choice of actually increasing its spending, thereby balancing or surpassing any cuts.

Reductions in the amounts of funds received by LEAA will, in some cases, affect the resource available for juvenile justice. For the first few years at least, there exists some measure of choice to mitigate the effects of fewer dollars. This choice has not been generally made clear to people interested in juvenile justice.

Youth workers concerned about the implications of LEAA's hard cash requirement should make these concerns known to LEAA and to Congress. You can write: Richard Velde, LEAA Administrator, 633 Indiana Ave. N.W., Washington D.C. 20531.

U.S. Senate Subcommittee to Investigate Juvenile Delinquency, Washington D.C. 20510.

MARK THENNES, *NYAP staff.*

LEAA's National Advisory Committee on Juvenile Justice met in San Francisco at the end of January and heard LEAA Administrator Richard Velde say the agency would soon ask Congress to completely eliminate provisions for in kind (soft) matches under the Juvenile Justice Act.

Velde told the Committee LEAA was required to submit its ideas for changes in the Act to Congress by May 15. He said the requested changes would probably include the removal of the soft match provisions.

"Soft match has had some interesting side effects," Velde said. Until 1971, he said, LEAA allowed 25% soft matches in its grants and it began "making liars out of criminal justice agences" who were squeezed for funds. LEAA discovered that some agencies were using the same volunteered services and equipment as in kind contributions on different LEAA grants, Velde said, and added that "we can expect this same problem with private agencies" because they are inexperienced with handling federal monies, bookkeeping procedures and complicated audit problems.

Velde also said LEAA would request extending the life of the Juvenile Justice Act until September, 1981, to allow it to expire at the same time as the Crime Control Act of 1975. The Juvenile Justice Act is now set to expire in September, 1977.

JUVENILE JUSTICE REPRESENTATION NEARS COMPLETION

Only twenty of the approximately 450 Regional Planning Units (RPU's) of the LEAA State Planning Agencies (SPA's) in the country do not comply with the required representation of persons involved with juvenile justice, according to the most recent LEAA memorandum on the subject. These twenty RPU's are scattered among nine states and are expected to be in compliance by March 1, 1976.

An amendment to the Safe Streets Act which created LEAA was added to the Juvenile Jusice Act requiring representation of citizen, professional or community organizations directly related to delinquency prevention. (See January 1976, *Y.A.*)

We reported last month that Maryland was one of three states whose SPA did not meet the required representation. We also said that none of Maryland's five RPU's were in compliance. This informaion, based on LEAA assessments, was the most current information available as we went to press last month.

We received a letter in January from Richard C. Wertz, Executive Director of the Maryland Governer's Commission on Law Enforcement and the Administration of Justice, saying this report was wrong and that Maryland's SPA and RPU's are in compliance. At press time this month, LEAA reports that Maryland is in compliance in terms of its requirements.

The other two state SPA's which were in question were those of Virginia and Connecticut. Virginia's will come into compliance in June, according to the LEAA memorandum. Approval for Connecticut is still pending in the LEAA Regional Office.

MARCH 1976

MATCH DECISIONS LEFT TO SPA'S—LEAA CHANGES GUIDELINES, BUT HARD MATCH STILL RULE

LEAA has revised its fiscal guidelines which had required a "hard" (cash) match from public agencies receiving Juvenile Justice and Delinquency Prevention Act funds. Previously, only private agencies were to be eligible for possible exceptions to the cash match requirement. (See January, February Y.A.'s)

LEAA Administrator Richard Velde is still insisting that in-kind ("soft") match is to be an exception to the rule requiring cash match. In an undated change that takes effect immediately, Velde will now permit in-kind match to be substituted for cash in any project—public or private—upon the request of a State Planning Agency (SPA) to an LEAA Regional Office. The SPA must first make a formal determination that two specified criteria have been met:

(1) a demonstrated and determined good faith effort has been made to obtain cash match and cash match is not available.

(2) no other reasonable alternative exists except to allow in-kind match.

The SPA is required to review any exception granted each year to determine whether the criteria still apply. Velde has also reserved the right to make similar exceptions of match for Special Emphasis grants from LEAA's Office of Juvenile Justice, which is headed by Milton Luger.

Luger, responding for Velde to questions from Roger Biraben, of the Second Mile runaway center in Hyattsville, Md., wrote "it is not our intention that private nonprofit agencies be denied funding consideration on the basis of inability to generate cash match", nor is it "LEA's intent to place unreasonable administrative burdens on potential applicants."

Velde's new guideline passes decisions on the Congressionally intended in-kind match to the SPA's. Serious questions are raised by giving this discretionary power to the SPA's in light of the increased burden in auditing an in-kind match and in view of their obvious biases against the Act. On January 31, the Legislative Advisory Committee to the National Conference of State Criminal Justice Planning Administrators (the national body of SPA's) recommended:

(1) opposing the reauthorization of the Juvenile Justice Act.

(2) abolishing both LEAA's Office and Institute of Juvenile Justice.

(3) ending the Juvenile Justice Act's maintenance of effort provision which requires that LEAA maintain its 1972 level of delinquency prevention spending (about $112 million a year) over and above those funds distributed by the Juvenile Justice Office.

(4) supporting only hard cash match, noting that the "deletion of in-kind match eliminates a problem-producing administrative process and enhances greater grantee commitment to projects."

Most of the SPA staff personnel *Y.A.* has talked with are opposed to the in-kind match provisions, citing auditing headaches and questions about the grantee's commitments. Regardless of what it intends, LEAA has passed decisions on hard match to an obviously unsympathetic branch of state government, the SPA's, whose best interests are not compatible with in-kind match.

Mark Thennes, NYAP staff.

Attorney General Edward H. Levi has responded to a letter sent him in January by Sen. Birch Bayh (D-Ind), co-author of the Juvenile Justice and Delinquency Prevention Act, in which Bayh charged that LEAA Administrator Richard Velde had "clearly misconstrued" the intent of the Act by requiring a hard (cash) match from public agencies receiving funds under the Act.

Levi's letter to Bayh states that LEAA has revised its guidelines to establish parallel match provisions for both public and private agencies which would permit in-kind (soft) match under certain circumstances. (See main story.)

But Levi's letter also makes clear LEA's preference for hard match and lists four reasons for this:

(1) State and local legislative oversight is insured, thus guaranteeing some State and local governmental control over Federally assisted programs,

(2) State and local fiscal controls would be brought into play to minimize the chances of waste,

(3) the responsibility on the part of the State and local governments to advance the purpose of the program is underscored.

(4) continuation of programs after Federal funding terminates is encouraged by requiring a local financial commitment.

"It was for the above-cited reasons," Levi's letter continues, "that the Omnibus Crime Control and Safe Streets Act of 1968 was amended in 1973 to utilize a hard match requirement, rather than the previous in-kind match."

But John Rector, chief counsel of the Senate Juvenile Delinquency Subcommittee, told *Y.A.* that whatever the intent of Congress was in that amendment has no bearing on what the intent was in passing the Juvenile Justice Act. "The intent was clearly for in-kind match," Rector said, "and Mr. Levi's letter ignores that."

Youth Workers Influence SPA Advisory Board Picks

On February 13–15, the newly-appointed members of the Massachusetts Advisory Board on Juvenile Justice met for a training session funded by the Massachusetts Committee on Criminal Justice (the state's SPA), which presented members with an overview of the LEAA system, the Juvenile Justice and Delinquency Prevention Act, and a discussion of the SPA.

The sesion marked an end to one phase of NYAP's involvement with that state's effort to appoint and train Advisory Board members. Beginning in September, 1975, NYAP supported the work of a part-time organizer whose mandate was to impact appointments to the Advisory Board.

Through some pressure and negotiating, a small group of hardworking youth workers convinced Governor Dukakis to agree to a screening committee that would interview prospective members. Soliciting names from around the state, the screening committee submitted a list of 66 candidates to the Governor which represented a cross-section of youth work as well as a serious commitment to reform of the juvenile justice system.

In January, the Governor appointed thirty people from the screening committee list—representing a victory for concerned youth workers in the state and for NYAP's overall concern with impacting the implementation of the Juvenile Justice Act.

Cheryl Weiss, NYAP staff.

April 1976

House Rejects Deferral of Juvenile Justice Funds

President Ford's request for a deferral of $15 million of the $40 million already appropriated for the Juvenile Justice and Delinquency Prevention Act was rejected by a voice vote in the House on March 4. A deferral is terminated if either body of Congress rejects it.

LEAA's Office of Juvenile Justice now has the full $40 million FY76 appropriation. Over the next sixty days, $23.3 million will be given to State Planning Agencies as their Comprehensive Juvenile Justice Plans are approved. Earlier in FY76, the Office had distributed $17.4 million to the states for juvenile justice programs, including $10.8 million of the $25 million FY75 Juvenile Justice Act funds.

Of the $40 million FY76 funds, $10 million must be spent on Special Emphasis programs. The Juvenile Justice Office has committed an additional $15 million of Safe Streets Act funds for Special Emphasis uses. Most of these monies are expected to finance the next three Special Emphasis initiatives: Diversion (see following story), Prevention and Reduction of Serious Juvenile Crime.

Also, $2.5 million has been earmarked for the Office's Technical Assistance responsibilities; and $6.4 million will be used by the National Institute of Juvenile Justice in fulfillment of its mandates for research, training and an information clearinghouse.

In addition to the $40 million, the Office will receive $10 million for the "Transition Quarter" (July 1–September 30) between FY76 and FY77. No decisions have been made on allocating these funds.

Congress is currently considering the appropriation level for the Juvenile Justice Act for FY77. The President is requesting $10 million, but a few youth services have begun to urge the Congressional appropriations committee to provide at least $75 million for the Juvenile Justice Act in FY77 in order to mount effective juvenile justice programs in the states and territories.

Mark Thennes, NYAP staff.

Diversion Proposals Sought

LEAA's Office of Juvenile Justice is to announce a major funding effort for Diversion programs in mid-April. Last July, the Office was tentatively estimating that between $5–10 million would be made available for the funding of a limited number of Diversion programs around the country (see Y.A., August, 1975).

The Diversion announcement is to be the second of four Special Emphasis Initiatives of the Office of Juvenile Justice. The first Initiative on Deinstitutionalization of Status Offenders distributed $11.8 million to 13 programs. Two other Initiatives, one on Delinquency Prevention and the other on Reduction of Serious Juvenile Crime, are expected to be announced later this year.

Previously, the National Advisory Committee on Juvenile Justice and Delinquency Prevention expressed an interest in reviewing these grants before they are awarded—a position supported by Attorney General Edward Levi. The Advsiory Committee's exercise of this power of project review is similar to the project review that LEAA Guidelines require for State Juvenile Justice Advisory Boards.

Information on how to apply for the Diversion grants will be available in mid-April from the ten LEAA Regional Offices, or by writing to: Special Emphasis, Office of Juvenile Justice and Delinquency Prevention. 633 Indiana Ave. N.W. Washington, D.C. 20531.

May 1976

States Lacking Advisory Boards Will Lose LEAA Funds

LEAA announced it intends to reallocate the FY 76 Juvenile Justice and Delinquency Prevention Act state formula grants of those states not having Juvenile Justice Advisory Boards in place and operating by June 30. Citing powers given it by the Act (Sec. 222b, 223d), LEAA said it will reallocate these unobligated funds for special emphasis prevention and treatment programs around the country.

The following states have indicated they will not be participating under the Act, and are therefore not creating Advisory Boards: Alabama, Kansas, Nebraska, Wyoming, Oklahoma, West Virginia, Guam and American Samoa. Nearly $2 million in formula grants set aside for them will be committed to special emphasis programs by LEAA's Office of Juvenile Justice and Delinquency Prevention

An informal poll conducted by *Youth Alternatives* in April indicates the following states do not have advisory Boards and would lose the designated amounts of money should they not appoint them: Connecticut ($434,000), Vermont ($200,000), Texas ($1,402,000), South Dakota ($200,000), Utah ($200,000), Iowa ($334,000), Michigan ($1,104,000), California ($2,280,000), Hawaii ($200,000), Oregon $240,000), District of Columbia ($200,000), Puerto Rico (200,000), Virgin Islands ($200,000), and the Trust Territories ($200,000). Maine has appointed an Advisory Board that is not in compliance with LEAA guidelines and the state is reconsidering its participation under the Act.

LEAA has granted numerous extensions to states for submission of their Comprehensive Juvenile Justice Plans which must be reviewed by the Advisory Boards. A December 31, 1975, deadline was extended sixty days. President Ford's requested deferral of Juvenile Justice Act funds, overturned by the House in March, caused other delays. LEAA has just granted another forty-five day extension, until May 12, for submission of the Plans.

Part of the difficulty in creating the Advisory Boards appears to stem from staff in the Governor's offices attempting to gain political mileage from the appointments. This not only endangers the funds, but fails to recognize the need to orient these Advisory Boards to their functions of plan and project review. Additionally, it makes effective planning by State Planning Agency staff more difficult.

Interested youth advocates should contact their LEAA State Planning Agency and Governor's Office for further information on the status of the Advisory Boards and possible loss of funds.

Mark Thennes, *NYAP staff.*

Overlap Between YSB's, Juvenile Justice System A Concern of LEAA Report

A new assessment of Youth Service Bureaus claims that "the informal and formal conditions attached to Youth Service Bureau referrals apparently tend to reinforce the operational connections between YSB's and juvenile courts, and cause them to function as a form of probation agency." The LEAA-funded study was headed up by university researchers Arnold Schuchter and Ken Polk. NYAP obtained a draft copy of the assessment under the Freedom of Information Act.

The $245,000 study notes that "YSB's are one of the few existing helping services for youth in trouble with the law and fill a large gap in such services in communities of all sizes. On the face of it, therefore, their existence seems justifiable even if reliable research evidence is not available to prove their effectiveness.

"However," the report continues, "since so many YSB's actually function or end up functioning as extensions of the juvenile justice system, one must seriously question and further research the specific operational processes whereby the connection with the justice system occurs, its impact on the youth handled, and its policy implication for development of alternative diversion strategies and mechanisms."

The study also examines the issue of YSB's and due process. "Evaluation of court intake processes are necessary across a range of types of court intake unit to determine the potential disadvantages for the youth involved in such quasi-legal informal adjudicative and dispositional processes and the impact on the youth involved of the de facto transfer of dispositional authority to YSB's."

Dr. James Howell, acting director of the National Institute of Juvenile Justice and Delinquency Prevention, said this study "was designed to conduct an assessment of what is known about YSB's and their effectiveness", but "was not intended to constitute an evaluation of YSB's." Rather, he said, its purpose was to determine the current state of the art in that area. The report is currently being revised and edited and is scheduled for publication in June.

The question of YSB's and advocacy was also addressed in the study. The role and effectiveness of YSB's in initiating, catalyzing and coordinating efforts to change local justice system and no system agencies remains a matter of speculation, the authors note. "The findings suggest that advocacy (nonlegal) aimed at changing institutional practices of schools and youth-serving agencies is going on extensively among YSB's (primarily non-juvenile justice system based) but is inadequately documented, in part for obvious political and practical reasons."

The study also maintains that most YSB's "spend a considerable portion of their limited time, energy and staff resources to obtain the financial means for survival while, at the same time, dealing with diverse pressures that operate to diminish their credibility and effectiveness as an agency serving youth in trouble."

Copies of the study will be available from the National Institute of Juvenile Justice and Delinquency Prevention, 633 Indiana Ave. NW., Washington, D.C. 20531.

71% of LEAA Status Offender Funds Available to Private Non-Profit Groups

LEAA estimates that 71% of the more than $11.8 million recently awarded to 13 projects for the deinstitutionalization of status offenders is available to private non-profit groups. Six of the 13 projects are themselves private non-profit groups.

This figure is based upon a recent analysis of the project budgets done by LEAA's Office of Juvenile Justice and Delinquency Prevention. The analysis counted the amounts in the budgets for "purchase of services" or under the budget heading "contractual." How these funds will be awarded is at the discretion of the grantees.

The goal of the program is to halt the incarceration of juvenile offenders within two years and to develop community-based resources to replace correctional institutions used by juveniles. The 13 projects were chosen from more than 400 preliminary applications submitted to LEAA.

LEAA's second special emphasis program will concentrate on diversion of juveniles from the traditional juvenile justice system. The program announcement requesting applications was issued on April 15.

JUNE 1976

ADMINISTRATION'S HANDLING OF JUVENILE JUSTICE ACT HIT IN SENATE HEARING

The Senate Subcommittee on Juvenile Delinquency held an oversight hearing on May 20 to question LEAA officials about the implementation of the Juvenile Justice Act to date and to learn what amendments the Administration has proposed in extending the Act beyond its current expiration at the end of FY 77.

LEAA Administrator Richard Velde presented the 49 amendments to the Subcommittee, prompting its Chairman. Sen. Birch Bayh (D-Ind), to say that instead of calling them amendments to extend the Act, the Administration would do better to call them "an act to repeal" the Juvenile Justice Act. Velde, however, termed the amendments "basically an extension of the program as it now exists." (For a more detailed examination of the amendments, see story on p. 2.)

Bayh, as in the past, was critical of the Administrations' handling of the Act; at one point saying that since the White House was unsuccessful in preventing funding for the Act and later in deferring what funding there was, it was now intent upon "emasculating" the Act through the proposed amendments.

However, Bayh excluded Velde and LEAA from much of his fire, saying it was apparent to him that LEAA was being thwarted by the Administration in fully implementing the Act. Velde, who was once a Subcommittee staff member, did not deny this, and in his responses offered two examples of how the Administration turned down LEAA requests in regard to the Act.

One, Velde said, was when LEAA requested $80 million in FY 77 funding for the Act, only to have the Administration's Office of Management and Budget (OMB) slice that down to $10 million. And, Velde said, while LEAA wanted a four-year extension of the Act, the Administration proposed only a one-year extension. Bayh commented on this point, saying "this dangling from year to year will guarantee that a good program will not be as good as it could be."

Velde, however, defended the Administration's proposal to delete the "maintenance of effort" provision from the Act, which requires LEAA to spend a constant amount of money each year on juvenile justice programs. "This has been a time of declining overall resources for LEAA," Velde said. "Since FY 75, which was the highwater mark in terms of appropriations for LEAA, our resources have declined 40%. There are many, many priorities to be served in the face of declining resources."

The Subcommittee also heard from Michael Krell and Marion Cummings, of the Vermont Governor's Commission on the Administration of Justice (the state planning agency), who recounted their battle with LEAA over the recent hard versus soft match issue. The state had lost its share of funds under the Act when LEAA said it could not use a soft, or in kind, match instead of a cash match.

Cummings told *Y.A.*, however, that the Commission had an "oral" agreement from LEAA that Vermont could substitute a soft match. During Velde's testimony, he said LEAA was prepared to waive the hard match provision if a state could show "good cause".

SUBMITS 49 AMENDMENTS TO JUVENILE JUSTICE ACT—LEAA SEEKS AUTHORITY IN DEINSTITUTIONALIZATION RULE

LEAA has asked Congress to allow flexibility in the required deinstitutionalization of status offenders called for under the Juvenile Justice and Delinquency Prevention Act. Sen. Birch Bayh (D-Ind), the author of the Act which requires participating states to achieve this goal within two years, agreed with LEAA Administrator Richard Velde that this requirement needed more flexibility, but he said he did not want to create a loophole for noncompliance.

LEAA submitted to Congress a list of 49 amendments to the Juvenile Justice Act. Under the Budget Reform Act of 1974, the Administration is required to submit to Congress its recommendations for changes in existing legislation 18 months before that legislation expires. Most of the 49 recommendations are of a technical nature, and others come as no surprise to those following LEAA's implementation of the Act.

As expected, LEAA called for eliminating the soft, or in-kind match, in favor of a 10% hard, or cash, match for Juvenile Justice Act funds. Consistent with Administration policy, LEAA is also recommending the deletion of the provi-

sion requiring LEAA to spend $112 million of Crime Control funds on juvenile justice programs. This provision is known as the "Maintenance of Effort".

The most significant change recommended, however, involves the mandatory deinstitutionalization of status offenders. Under Section 223(a)12 of the Act, participating states must accomplish this within two years. LEAA is asking for the flexibility to grant exemptions to those states unable to comply within two years. Exemptions would be granted if the LEAA Administrator determines that "substantial compliance" has been achieved, and the state has made an "unequivocal commitment to achieving full compliance within a reasonable time."

During an oversight hearing on LEAA's implementation of the Juvenile Justice Act held May 20, Sen. Bayh agreed with the need for more flexibility. He cautioned, however, against creating a loophole, and spoke of establishing a benchmark of what "substantial compliance" might mean. Off the top of his head, he suggested that a state having deinstitutionalized 75% of its status offenders could be in substantial compliance.

It seems certain that some flexibility will be given to states in their compliance when the new Juvenile Justice Act takes effect October 1, 1977.

Citing inability to meet the two-year requirement and lack of adequate support, three states (Kentucky, Utah, and Nebraska) have withdrawn from participating in the Juvenile Justice Act in the past few weeks. Five other states (Texas, Tennessee, Mississippi, North Dakota, and Missouri) are apparently reconsidering their participation.

There are 41 states which have agreed to accomplish the deinstitutionalization of status offenders from secure facilities by August 1, 1977, 60 days before the revised Juvenile Justice Act would go into effect.

In a separate development, LEAA is granting up to an additional $100,000 to those states participating in the Juvenile Justice Act, effective this month. Youth advocates would do well to re-examine with their LEAA State Planning Agencies the arguments for non-participation in the Act in light of these new developments.

In other amendments to the Juvenile Justice Act, LEAA is asking for authority under its Special Emphasis program to "develop and support programs stressing advocacy aimed at improving services impacted by the juvenile justice system", which is to say youth advocacy. LEAA is also now suggesting that drug and alcohol abuse education and prevention programs be deleted from "advanced techniques".

Last, and least, LEAA has asked for only a one-year extension of the Juvenile Justice Act, with a maximum funding level of $50 million. This, you might note, could potentially require LEAA to submit to Congress its recommendations for the second revision of the Juvenile Justice Act six months before the revised Act goes into effect on October 1, 1977. The absurdity of LEAA's program people attempting to work with the Administration's Office of Management and Budget has its lighter moments.

MARK THENNES, *NYAP staff.*

LEGISLATIVE REPORT—LEAA REAUTHORIZATION AND APPROPRIATION BILLS CONSIDERED

LEAA Reauthorization: House and Senate bills:

The House version of the Crime Control Act of 1976 extends the Law Enforcement Assistance Administration for one year with an authorized maximum appropriation of $880 million. The bill retains the "maintenance of effort" provision which requires LEAA to spend $112 million per year of Crime Control funds on juvenile justice.

The Senate bill extends LEAA for five years at $1.1 billion per year. It eliminates the fixed dollar amount "maintenance of effort" and replaces it with a formula which requires 19.15% of Crime Control funds in Part C (State Formula Block Grants) and Part E (Corrections) to be spent on juvenile justice. This formula applied to the Administration's request of $667 million would allow about $104 million for juvenile justice.

On May 12, Sen. Birch Bayh lost a vote in subcommittee (7–5) which would have retained the "maintenance of effort" provision. He is considering offering this provision as an amendment on the Senate floor.

Both reauthorization bills are expected to be out of their respective Judiciary Committees and on the floor by mid-June.

LEAA Appropriations: House and Senate bills:

The Ford Administration's latest request for LEAA funding during FY 77 is $667 million. This is $40 million less than first requested by the Administration and about $140 million less than LEAA's current FY 76 appropriation. The House Appropriations Subcommittee on State, Justice, Commerce and the Judiciary has cut this request to about $600 million and added an extra $40 million to that amount for the Juvenile Justice and Delinquency Prevention Act. The bill goes to the full House Appropriations Committee at press time and to the floor in mid-June.

The Senate Appropriations Subcommittee is expected to follow the Administration's $667 million figure which includes $10 million earmarked for the Juvenile Justice Act. The Subcommittee will mark up the bill during July, after the House passes its appropriation bill.

In April, Sen. Bayh attempted to obtain stronger funding for the Juvenile Justice Act. He offered an amendment to allow the funding of the Juvenile Justice Act in FY 77 at $100 million, and gave an impassioned plea on the floor for its acceptance. At the time, however, the Senate was debating a ceiling on the budget and Sen. Edmund Muskie (D–Me) spoke in favor of following the Senate Budget Committee's recommendation.

While the Bayh amendment failed (46–39), it was the closest any amendment came to passing, indicating strong support in the Senate for an appropriation larger than $10 million.

JULY 1976

CONGRESS SETS $75 MILLION FOR JUVENILE JUSTICE ACT

Meeting on June 28, a joint House-Senate Conference Committee voted to appropriate $75 million for the Juvenile Justice and Delinquency Prevention Act in FY 77, which begins this coming October 1. The Committee also agreed to fund the Runaway Youth Act (Title III of the Juvenile Justice Act) at $10 million for FY 77.

While the Juvenile Justice Act itself authorizes as much as $150 million for the coming fiscal year, the Administration continued its minimal level of support for the Act by asking for only $10 million earlier this year. The House ignored this request, and voted to continue the Act's current funding level of $40 million. However, at the insistent prodding of Sen. Birch Bayh (D–Ind.), the author of the Act, the Senate voted to appropriate $100 million for it.

The funding bill for the Juvenile Justice Act now goes to the President along with the rest of the appropriation for the Justice Department. The President's approval is seen as likely. But the Runaway Youth Act, which is administered by HEW, will be included within the total appropriation for HEW and faces an almost certain Presidential veto in the Fall.

LEAA has announced how it intends to use the $75 million once it is approved by the President. Generally, there will be about double the amount of money in each area LEAA earmarked for FY 76.

$47.6 million will go to the states in formula grants, up from $23 million in FY 76. States can expect to receive approximately twice what they received in FY 76.

Approximately $15.9 million will be used for Special Emphasis programs. LEAA has tentatively identified five priorities for special funding in FY 77: juvenile gangs, restitution to victims of juvenile crime, violent offenders, learning disabilities, and delinquency prevention.

$3 million will go for technical assistance, more than double the amount for FY 76.

$7.5 million will go to LEAA's National Institute of Juvenile Justice and Delinquency Prevention to be used for training, information dissemination, research and evaluation, and implementation of juvenile justice standards.

$1 million will be used in concentration of the federal effort towards delinquency prevention. The Federal Coordinating Council on Juvenile Delinquency, which was established by the Act, is reported to be considering joint programming between federal departments, such as HEW and the Labor Department.

AUGUST 1976

INTERVIEW—OHD'S STANLEY THOMAS ON THE RUNAWAY YOUTH ACT, DEINSTITUTIONALIZATION, AND IMPACTING POLICY

(*Youth Alternatives* interviewed Stanley B. Thomas, Jr., Assistant Secretary for Human Development, HEW, on July 21. Thomas has served in his present post for three years, overseeing a broad range of programs serving children, youth, the aged, physically and mentally disabled persons, the rural poor, and Native Americans. The Office of Human Development, which he heads, includes the Office of Youth Development and has a total staff of more than 1300 and an annual budget of $1.9 billion. Thomas once headed HEW's Office of Student and Youth Affairs, and has been an active, long time supporter of services for runaway youth.)

Q. What degree of success do you feel the Office of Human Development has had in implementing the Runaway Youth Act?

A. Recognizing that I would probably not be the most objective person with a question like that, I am convinced that the implementation of the Runaway Youth Act has been the single most well done implementation of a program that I've been involved with. I think one of the reasons is that the statute passed in the early Fall and we didn't have to allocate all the dollars until the succeeding June. So we had some months to plan for it. But it's been one of the best implemented programs I've been involved with, because (1) we were able to build on research HEW had undertaken and demonstration activities HEW had undertaken in the past, (2) we had plenty of time to involve in the goals and objectives of the program people who had been integrally involved with runaway youth, and (3) we were able to and are still in the process of developing the kinds of quality services we think are essential as a basic element of any runaway youth project.

Q. Looking at the runaway youth program from the point of view of the Act itself, as opposed to the implementation, can we assume from the smoothness of the implementation that it was a pretty good piece of legislation and was able to address the needs that it targeted?

A. While we didn't and still don't have the exact and most accurate statistics as to the number of young people who run away, there is no question that there has been a gap between the needs of those kids and the services which were made available to them. I think there has been a lot of worthwhile activity which has either been supplemented or initiated as a result of the Runaway Youth Act, so I'd say, in the net, from every vantage point I can think of, that it's been a good thing. It's also awakened, I think, local and state governments more to the problem than had been the case before.

Q. In the event the Ford Administration continues for four more years, do you see any changes or initiatives ahead in HEW's policies towards young people?

A. I think one of the most significant developments that will occur, and I don't think this is dependent on whether President Ford or Carter is in the White House, will be the necessity of catalyzing more substantial youth involvement in the local decision making process. If you look at any of HEW's projects, you find that—and this is something that has been going on for years—that there is a tremendous degree of state involvement and control in the social services, health, and education. That basic situation is not going to change with Administrations. There should be a continuing interest in defining what the gaps are that we ought to respond to at the federal level, for instance, looking at the whole question of runaway youth and deinstitutionalization. But there should also be a great deal more involvement at the local level. One of the great things about the Runaway Youth Act, and it's a small but an important thing, is the mandatory inclusion of young people in the decision making apparatus. I am not one of those people who over-romanticizes the ability of young people to be involved in making important decisions, but their involvement in that process is critical, because they learn from it and they learn how to affect decisions. When you look at this Department and when you look at most of the federal agencies, you find that most of the decisions, or most of the determination of priorities, are made at the state and local level. If youth and people concerned with youth

don't impact on that system, it's going to be a continuing problem. We'll spend $2.5 billion in the next year or so on social services, and most of what will happen with that mony is going to be defined at the state level. There's got to be leverage made at that local level. That means local organizations have to be sensitive to planning processes and decision making systems, and they have to be assertive about including young people in that and representing the interests of young people.

Q. Many youth workers are interested in youth advocacy and impacting public policy. You've been talking about the necessity of working on the local level; which level of government do you feel it's most important for people to be focused in on in terms of where policy is really made?

A. Every level is important to impact on. But I think there has been a disproportionate investment of time and energy at the federal level. Now I'm not saying there is enough involvement at the federal level, I'm just saying it's been disproportionate. This Department's dollars, except those that go to individuals in cash payment terms, are general purpose and go primarily to state governments. I believe we at the federal level have certain responsibilities to provide services where there are major gaps, and I think the runaway youth program is an example of that. I think the federal government has an important responsibility in long range planning, information collection, research, demonstrations and all that kind of thing, and for providing resources to local communities, states and others for provision of services. But that doesn't alter the fact that, and I don't care if Jimmy Carter is President or Gerald Ford is President, the major investment of this Department's resources that aren't flowing directly to people—and those of the Labor Department and the Transportation Department and the Department of Housing and Urban Development—are going to go to local communities and state governments, which are going to make important decisions about what happens to people. The Community Congress in San Diego, which has managed to tap into general revenue sharing, should be a model in terms, at least, of impacting on the basic system. That is what the future should be, and I think more and more communities will become sophisticated about this.

Lose Millions in Funds—Six More States Drop Out of Juvenile Justice Act

Despite a near doubling in its funding and a new flexibility in its mandatory removal of status offenders from prisons, six more states have decided not to participate in the Juvenile Justice and Delinquency Prevention Act, making a total of thirteen.

For these states, millions of dollars for critically needed youth services are lost. For most, the prospect of their participation in FY 1977 looks bleak. The six, Hawaii, Kentucky, Mississippi, Nebraska, North Carolina, and Tennessee, have added their names to those of Alabama, Kansas, Nevada, Oklahoma, Utah, West Virginia, and Wyoming. LEAA rejected Hawaii's effort to participate after the state was unable to commit itself to removing 75% of its status offenders from its prisons.

Milton Luger, head of LEAA's Office of Juvenile Justice and Delinquency Prevention, told *Y.A.* that many of the new states withdrawing endorse the principles of the Juvenile Justice Act but feel the cost to them is too much. He also noted that others were unable to promise in good faith to remove 75% of their status offenders from secure detention.

Senator Birch Bayh (D–Ind.), the author of the Act, and LEAA reached agreement on a 75% compliance figure for the required removal of status offenders from secure detention within two years (see June 1976, *Y.A.*). Provisions for extensions in reaching 100% compliance will be debated in Congress next Spring when the question of renewal of the Juvenile Justice Act comes up. Luger said the agreement of 75% compliance probably kept several states from ending their participation in the Act.

States unwilling to comply with the Juvenile Justice Act have already lost substantial sums of money for youth services (see chart, page 7). LEAA Administrator Richard Velde has warned that a state's nonparticipation would have a "chilling effect" on the state's ability to garner special emphasis grants for youth work from LEAA. The block grants that would have gone to nonparticipating states under the Act are returned to LEAA's Special Emphasis kitty for distribution based on national competition.

But when queried on this by *Y. A.*, Luger stated that the recommendations he makes to Velde will be based on "the important issue of where the needs of kids are, and I would not penalize a nonparticipating state that submits a well-written application for Special Emphasis funds."

In a letter explaining his decision not to participate, Governor Calvin Rampton of Utah noted, "while I am not prepared to state at this time that the federal guidelines are not reasonable, and would not lead to an improved program, the fact is that the guidelines are so detailed and inflexible that it would intefere with our ability to do our own planning."

He also noted that the Advisory Board might be duplicative and that Utah might have to raise $300,000 to match $200,000 in federal funds for the program. Thus, Utah rejected more than $800,000 (see chart) in youth service funds because an advisory board already exists, because $800,000 is not sufficient funding, and because the guidelines for $800,000 limits the state's right to do its own planning.

The Utah Board of Juvenile Court Judges, lobbying the Governor, issued a position statement that simultaneously praises the "laudable" purposes of the Juvenile Justice Act while duly noting, as juvenile judges have elsewhere, the burdensome duty they have to demand the right to incarcerate an unknown and unquantified number of status offenders for their own good.

While it is the consensus of the judges that "extended incarceration of such children" is "frequently not an appropriate disposition and may often cause harm to the child", they refer to an unnamed group of youths—a multitude, one must assume—who are chronically truant and who chronically run away from home to justify incarceration that "often causes harm".

North Carolina withdrew from participation after estimating its costs of removing 2,600 youths from its prisons at $7 million. The state doubted its ability to comply with the 75% floor even with adequate funds, and questioned the legality of the 75% figure. In anticipation of the Juvenile Justice Act, the state legislature in 1975 passed a law requiring the removal of status offenders from state training schools by July 1, 1977. At a recent meeting, juvenile judges in the state voted unanimously to work on repealing this legislation. The Advisory Board is now in limbo and will probably be dissolved.

Mississippi cited its inability to guarantee segregation of juveniles from adults as a prime reason for not participating. Noting it had removed 22% of the status offenders in training schools last year, officials there pointed out that no single agency has responsibility for issuing guidelines to local sheriffs. Jimmy Russell, Director of the Division of Youth Services, told *Y. A.* that "it is disheartening that a few local sheriffs could kill a statewide program."

Kentucky estimated its costs in removing status offenders at $1.2 million, much more than they would receive. With the Act's increased funding, the state is renegotiating its participation. "If we don't receive a dime, at least they raised our consciousness and got the powers that be thinking about treatment of status offenders," said Dave Richart, juvenile justice planner with the Kennedy Crime Commission. "And that's what this Act is about," he said.

Youth advocates in nonparticipating states would be well advised to continue asking their Governor about eventual participation.

Mark Thennes, NYAP staff.

(About the Table on P. 118)

During the fifteen month period of July, 1975, to October, 1976, LEAA's Office of Juvenile Justice and Delinquency Prevention will have distributed about $93.7 million to the states for juvenile justice programs. These funds are distributed based on each state's population under 18 years of age.

The first column lists how $2 million worth of Special Emphasis Planning Grants was made in July, 1975, to assist State Planning Agencies in gearing up for submission of their Juvenile Justice Plans and the creation of Juvenile Justice Advisory Boards.

The second column lists $10.6 million in FY 1975 block grants, made in August, 1975.

The third column lists $19.8 million in FY 1976 block grants, whose distribution began in February, 1976.

The fourth column lists $4.9 million worth of funds, one-fourth the FY 1976 figure, for the Transitional Quarter (July 1 to September 30, 1976). The federal government changed its Fiscal Years beginning this year, in effect making FY 1976 a fifteen month year.

The fifth column covers a special grant of $100,000 made to each state participating in the JJDPA in June, 1976.

The sixth column covers a special grant of $4.7 million made to every state for juvenile programs.

The seventh column lists $47.6 million in FY 1977 block grants, which states will receive upon acceptance of their State Plans.

None of these figures include any money granted to the states under the Special Emphasis Initiatives program, which distributed about $13 million for Deinstitutionalization and is about to distribute $10 million for Diversion.

HOW THE JUVENILE JUSTICE OFFICE DISTRIBUTED ITS FUNDS

	Fiscal year 1975 special emphasis "planning"	Fiscal year 1975 JJDPA bloc grant	Fiscal year 1976 JJDPA bloc grant	TQ July 1–Sept. 30, 1976	June 1976 pt. E supplement grant	June 1976 pt. C supplement grant	Fiscal year 1977 JJDPA bloc grant	Total
Alabama [1]	31	200	366	91	100	79	813	1,680
Alaska	15	200	200	50	100	7	200	772
Arizona	16	200	200	50	100	47	425	1,038
Arkansas	17	200	200	50	100	45	432	1,044
California	168	680	1,966	491	100	460	4,373	8,238
Colorado	20	200	229	57	100	55	510	1,171
Connecticut	26	200	300	76	100	68	673	1,443
Delaware	15	200	200	50	100	13	200	778
Florida	54	216	625	156	100	178	1,390	2,719
Georgia	42	200	487	122	100	107	1,083	2,101
Hawaii [1]	15	200	200	50	100	19	200	784
Idaho	15	200	200	50	100	17	200	782
Illinois	96	389	1,125	281	100	246	2,501	4,738
Indiana	47	200	545	138	100	117	1,213	2,360
Iowa	25	200	289	72	100	63	643	812
Kansas [1]	19	200	221	54	100	50	492	1,136
Kentucky [1]	28	200	330	82	100	74	734	1,481
Louisiana	35	200	411	103	100	83	915	1,847
Maine	15	200	200	50	100	23	227	815
Maryland	35	200	409	102	100	90	910	1,846
Massachusetts	38	200	556	139	100	128	1,236	2,397
Michigan	83	333	963	241	100	201	2,142	4,063
Minnesota	35	200	409	102	100	86	910	1,842
Mississippi [1]	21	200	250	62	100	51	556	1,240
Missouri	29	200	460	115	100	105	1,024	1,633
Montana	15	200	200	50	100	16	200	781
Nebraska [1]	15	200	200	50	100	34	335	934
Nevada [1]	15	200	200	50	100	13	200	778
New Hampshire	15	200	200	50	100	18	200	783
New Jersey	61	248	707	177	100	161	1,571	3,025
New Mexico	15	200	200	50	100	25	268	858
New York	148	599	1,731	433	100	399	3,850	7,260
North Carolina [1]	45	200	521	130	100	118	1,159	2,273
North Dakota	15	200	200	50	100	14	200	779
Ohio	95	383	1,108	277	100	237	2,463	4,663
Oklahoma [1]	21	200	248	62	100	59	551	1,241
Oregon	18	200	207	52	100	50	460	1,087
Pennsylvania	98	395	1,140	280	100	261	2,536	4,810
Rhode Island	15	200	200	50	100	21	200	786
South Carolina	24	200	283	71	100	61	629	1,368
South Dakota	15	200	200	50	100	15	200	780
Tennessee [1]	34	200	393	98	100	91	874	1,790
Texas	102	410	1,185	296	100	265	2,635	4,993
Utah [1]	15	200	200	50	100	26	279	870
Vermont	15	200	200	50	100	10	200	775
Virginia	40	200	471	118	100	108	1,047	2,084
Washington	29	200	344	88	100	77	764	1,602
West Virginia [1]	15	200	200	50	100	39	382	986
Wisconsin	40	200	469	117	100	100	10,044	2,030
Wyoming [1]	15	200	200	50	100	8	200	773
Washington D.C.	15	200	200	50	100	16	200	781
Puerto Rico	30	200	349	87	100	65	776	1,607

[1] Nonparticipating States, losing all or most of these funds.

SEPTEMBER 1976

BAYH TO SEEK RENEWAL OF JUSTICE, RUNAWAY ACTS

Sen. Birch Bayh (D-Ind.), the author of both the Juvenile Justice and Delinquency Prevention Act and the Runaway Youth Act, will introduce two bills this month to extend both pieces of legislation.

In the summmer of 1974, Bayh, in concert with Rep. Augustus Hawkins (D-Ca.), successfully steered both Acts through Congress as one law (P.L. 93-415). With HEW lobbying against the Juvenile Justice Act and LEAA pointing out how nicely it would fit into their current program, the Congress, in a compromise forced by Republicans, voted to place the Runaway Youth Act in HEW and the Juvenile Justice Act in LEAA.

The current legislation is due to expire September 30, 1977. The Budget Reform Act of 1974 required the Administration to notify Congress by last May 15 of its intention to request a renewal of these Acts. The Administration has asked for a one year extension of the Juvenile Justice Act (see June Y. A.) but it will apparently not seek any extension of the Runaway Youth Act.

The present Congress, the 94th, is expected to adjourn the first week of October. When the 95th Congress convenes in January, 1977, Bayh will reintroduce the bills to extend both Acts. Hearings on the bills would then be conducted in February and March of next year.

Bayh's introduction of the proposed legislation at this time allows youth advocates and others participating in the implementation of both Acts to comment on the drafts before January.

Interested persons are encouraged to make commments regarding the positive aspects and the shortcomings of the current implementation of these two Acts to Senator Bayh. Copies of the proposed legislation may be obtained from him, % the Senate Subcommittee to Investigate Juvenile Delinquency, A504, Washington D.C. 20510, (202) 224-2951.

Prevention Program To Be Announced

The Office of Juvenile Justice and Delinquency Prevention, LEAA, is to announce its major effort in funding Prevention programs by the middle of October, according to Emily Martin, head of the Office's Special Emphasis Section. The program, the third in a series of Special Emphasis Initiatives, is expected to distribute $8.5 million, with a possibility the figure may reach $10 million.

The program is being designed primarily to prevent delinquency in communities which have certain statistical characteristics corresponding to the problem of delinquency, such as unemployment, median income, and crime rates.

Prevention is being defined as "the sum total of activities which create a constructive environment designed to promote positive patterns of youth development and growth. The process includes direct services to youth and indirect activities which address community and institutional conditions that hinder positive youth development and lead to youth involvement with juvenile justice systems."

The Prevention Initiative will probably address private nonprofit organizations as primary applicants. Information on the program can be obtained by writing the Special Emphasis Section, OJJDP/LEAA, 633 Indiana Ave. N.W., Washington D.C. 20531.

(See the "Grants, Contracts, & Negotiations" section of this newsletter for a list of finalists in the Special Emphasis Initiative on Diversion.)

A National Youth Policy?—After November: What's Ahead for Youth Workers

(The following was sent in the form of a letter by NYAP Project Coordinator Bill Treanor to directors of several coalitions of alternative youth services programs.)

During the coming year we are going to witness major national developments in direction and tone in the field of youth work. Some of these developments will be in areas not very familiar to us; others will be a continuation of current trends. I believe that it is vital that the leadership in youth work anticipate and influence the direction of this country's youth service priorities. Therefore, I want to share with you my best estimate of what is likely to unfold during the coming year. This analysis makes only one major assumption: that the Carter-Mondale ticket will be victorious in November.

Youth workers' top priority during the coming year must be the renewal of the Juvenile Justice and Delinquency Prevention Act and the Runaway Youth Act. There are, of course, several major unresolved questions concerning these laws. Some of the outstanding questions are: Should the Juvenile Justice Delinquency Act continue under LEAA, and, if not, then under what agency? Should the Runaway Youth Act remain with HEW's Office of Youth Development? If not,

then be administered by whom? What should the authorized appropriation level be for each? Should a separate youth policy agency be espoused? If so, with what power and responsibilities? Should mandatory coordination and joint planning and funding be required between HEW/Justice youth efforts and those of the Department of Labor?

Other important issues will also be addresesd before the Juvenile Justice Act and Runaway Youth Act are renewed, but it is clear that youth workers would be foolish to abandon the little enabling youth service legislation that we have now until a coherent, progressive national youth policy is developed. Therefore, I expect the renewal of the Juvenile Justice Act and Runaway Youth Act to be widely supported by youth workers and to consume a large part of our energies at the national level.

An absolutely key element in the creation of a high quality youth development system in this country is our ability to monitor and evaluate the performance of government at the regional, state, and local levels. This capability is essential in influencing public policy. Of course, government officials are not enthralled with our developing capacity to rate their job and agency performance and we can expect some vigorous counter-attacks to try and prevent youth workers from organizing. Fortunately ,youth work coalitions have developed sufficiently so that, despite setbacks in some states, growth in influence seems assured. Remember that nine out of ten of today's youth work coalition didn't exist three years ago!

With the developing infrastructure of youth work coalitions we are in a position to influence the likely major policy initiatives of a Carter-Mondale administration. I expect the development of a national "pro-family" policy along the lines advocated for many years by Senator Mondale. Basically, a pro-family policy would mean that every government program would be analyzed to determine if it helps to keep the family unit together. Under this philosophy, major changes in social welfare policy can be expected. For example, we could expect a greater reliance in youth work on family counseling and homemaker service for a troubled family with a problem teenager rather than removal from the home and placement in a group home. Of concern to youth workers is that any new legislation or policy reflect the special needs of adolescents.

It is probable that the most dramatic change in youth work will be in the area of youth unemployment. Well over 20% of Americans 1 to 24 are unemployed, and the rate is over 40% for young blacks. That is an estimated 3,580,000 unemployed 16 to 24 year olds who are actively seeking work. The impact on youth work of providing public employment jobs to even half of these young people is enormous.

An important goal during the next year is to ensure any major revision of national manpower legislation acknowledges and provides support for the nation's youth service system. If even 5% of 2 million jobs under a comprehensive youth employment program were set aside for youth workers, it would fund 100,000 young adults to work in youth agencies. That's $100 million towards meeting the funding needs of youth agencies, or, to put it another way, twice the combined total funding of the Juvenile Justice Act and Runaway Youth Act in FY 1976.

One major hurdle is the lack of dialogue between youth workers and those who develop youth manpower policies. While former Secretary of Labor Willard Wirtz and others concerned about youth unemployment have a clear analysis of the problem, they fail to appreciate the invaluable role that a strong youth service system can play in helping young people to become more productive and creative members of society. The encouragement of a much closed relationship between policy makers in youth and manpower fields may prove to be the most productive direction at both the national and state levels for creating a comprehensive youth service system.

Increased commitment to solving the problems of youth unemployment will undoubtedly generate increased interest in a National Youth Service. The National Youth Service concept—providing young adults an expanded opportunity to work in some socially productive way—is an old one. The concept as currently discussed is sort of a bloated combination VISTA/Job Corps with no entry requirements. Enrollment would be voluntary and placement assured in either "community service" or "environmental service." This approach to youth development got a bad name during the debate over the draft, but now deserves a fresh assessment by youth workers.

Some things I would like to see are not likely during the early years of a Carter-Mondale administration. But, whatever the flaws might be in the new administration, they will likely be the result of activity and not passivity, of

developing young people and not focusing on youth crime prevention. If the new administration is serious about full employment, national health insurance, welfare reform and a pro-family policy—can a national youth policy be far behind?

OCTOBER 1976

LEAA FUNDS SCHOOL VIOLENCE INITIATIVE QUIETLY AND QUICKLY

LEAA's Office of Juvenile Justice and Delinquency Prevention, apparently under pressure to quickly obligate Juvenile Justice and Delinquency Prevention funds, has quietly completed its third Special Emphasis Initiative. In an effort to respond to school violence, the Office is giving $4.73 million in Juvenile Justice Act funds to the U.S. Office of Education, one of the federal agencies least responsive to coordinating its efforts on youth affairs with other agencies.

The pressure to obligate funds must have been intense, for the Juvenile Justice Office did not circulate any guidelines on this Initiative to the public and private sectors for their comments before committing the funds. This had been the case with its other Special Emphasis Initiatives.

This process of external agencies reviewing guidelines before they are finalized has produced valuable, experience-based input. The Juvenile Justice Office had also convened a meeting in early June with the national private youth organizations to build a partnership envisioned to "Include the involvement of the private sector in the mission of (the Juvenile Justice Office) from the conceptualization to completion of its Special Emphasis programs as one example of cooperative approaches."

Of the $4.73 million, $2 million has been given to the Teacher Corps. Each of ten sites is to receive $100,000 for two years to develop forms of youth participation in cutting down school violence. The ten sites already had Teacher Corps youth advocacy projects, making it easier to dump additional funds into the projects. The ten sites are Burlington, Vt.; Odona, Maine; Phoenix; Denver; Chicago; Farmington, Mich.; Atlanta; Baltimore; Stanislaus, Calif.; and Indianapolis.

Another $1.23 million was given to the Division of Drug Education, which operates five Office of Education Drug Training Centers (the minigrant program) around the country. Using the existing model of training teams for two weeks, each site will train school teams in problem solving related to school violence over the next year.

In addition, $1.5 million of Juvenile Justice Act funds are to be combined with tens of millions of dollars already allocated to the Office of Equal Educational Opportunity to assist school districts in planning for court-ordered desegregation.

The Juvenile Justice Office, under this Initiative, is now in the process of conceptualizing the funding of a Resource Center to dispense information about promising programs and training information for school security personnel and administrators. A target figure of $500,000 has ben set until plans are finalized.

Youth advocates interested in obtaining further information about the training funds should contact the Office of Education Drug Training Center nearest them, or the Special Emphasis Section, Office of Juvenile Justice, LEAA, 633 Indiana Ave, N.W., Washington, D.C. 20531.

—Mark Thennes, NYAP staff.

LEAA TO SPEND $305 MILLION ON DELINQUENCY IN FY 77

After two days of negotiations, a joint House-Senate conference committee approved a Crime Control Act of 1976, reauthorizing the Law Enforcement Assistance Administration (LEAA) for three more years and accepting Sen. Birch Bayh's (D-Ind.) proposal to utilize 19.15% of LEAA's total annual appropriation for juvenile delinquency programs. The compromise bill was sent to the President for his expected signature.

Bayh came up with his percentage formula after the Senate had earlier deleted the so-called "maintenance of effort" provision from the bill which would have required LEAA to maintain at least its 1972 spending level of $112 million on juvenile delinquency programs. Bayh's formula was rejected by the Senate Judiciary Committee, but it was subsequently approved by the full Senate despite attempts by Senators McClellan (D-Ark.) and Hruska (R-Neb.) to kill it.

Of the $753 million already appropriated for LEAA in FY 77, $75 million is earmarked for the Juvenile Justice and Delinquency Prevention Act. The new

formula requires that 19.15% of the remaining $678 million, or $130 million, be maintained for juvenile delinquency programs in FY 77; $18 million more than the "maintenance of effort" provision would have brought. The flexibility of the percentage formula means that funding for juvenile programs will be tied to appropriation levels and could, in some years, conceivably be lower than the former $112 million minimum.

The bill reauthorizes LEAA for three years; fiscal years 1977, 1978, and 1979. This compromise was reached amid growing public criticism of LEAA's ineffectiveness in meeting the escalating crime rate and concern over how the $5 billion authorized to date for the program has been spent. The Senate had proposed a reauthorization of five years, while the House version called for a fifteen month limit. This shorter period was to have facilitated Congressional oversight and review by keeping LEAA "on a short leash".

Authorization levels were set at $880 million for the first year and $800 million for each of the other two years.

—Liz Anderson, NYAP staff.

DECEMBER 1976

INTERVIEW—BREED HOPEFUL ABOUT DELINQUENCY PROGRAMS UNDER CARTER

(Allen F. Breed was for many years director of the California Youth Authority, and is now a member of the National Advisory Committee on Juvenile Justice and Delinquency Prevention and chairman of LEAA's Committee on Standards and Goals. He recently accepted a Fellowship with LEAA's Office of Juvenile Justice and Delinquency Prevention to study the coordination of federal delinquency prevention programs.)

Q. Congress will be considering the renewal of the Juvenile Justice and Delinquency Prevention Act in 1977. What is your assessment of the Act's impact and are there any revisions you'd like to see?

A. Having long been a strong supporter of the need for Congressional action in this area and having testified on frequent occasions in the hope we could get a strong bill through, I would have to say that the 1974 Act was certainly a giant step forward. But I think that most of us in the field believe there's still much to be done, and much of the hope that is spoken to in the Act such as more effective coordination of the federal effort is far more a blueprint than it is a reality. For example, I would hope one of the things that could be done is a closer look at how coordination comes about and what inducements and what mechanisms are going to bring about some coordination, which up to this time I see only being done minimally. I would also like to see the Act take stronger steps regarding how to deal with those children that have been identified as status offenders. I think that deinstitutionalization is really only a first step, and I think now we must recognize that there have to be restrictions on any kind of coercive intervention in terms of the court dealing with status offenders. I have myself been unable to go to the third step and say that the juvenile court should have no responsibility for status offenders because I think there has to be some public agency with some degree of authority that can, in effect, order certain kinds of services that so far we haven't seemingly been able to get by any other way. But in still leaving the status offender in the juvenile court, I would hope that the Act would strongly say that the courts should have no authority to coercively intervene in the lives of these young people nor that there should be any way that once they're brought under the jurisdiction of a court that the court can escalate status offenders into juvenile delinquents. What I'm hoping is that the Act will strongly speak to the need of providing services, but that these services should be provided on a strictly voluntary basis.

Q. Doesn't the fact that having juvenile courts retain jurisdiction over status offenders mean that alternative forms of services won't be established, simply because there aren't the resources to have it both ways?

A. I'm not so sure that's true. I am, however, sure that as long as the courts provide these services there's not going to be any real effort on the part of society and the general public to find other ways of making these services available to young people. On the other hand, I think that sometimes we have to move in phases, and that doesn't mean I'm basically conservative and slow about change. I share with those who have a basic concern about children that those services need to be there, and until such time as we see the private sector or the non-governmental sector truly being able to provide these services, we have to have some mechanism through government that can see that they're provided.

Q. What steps would you recommend to stimulate the development of this capacity on the part of private agencies?

A. I would start by providing the juvenile court with the ability to act as a broker to the private sector, purchasing these services rather than ordering the services through public agencies. I think that as soon as funds become available to the private sector, it is going to be able to expand its capabilities in providing these services. The next logical step would be, hopefully, that those services are so effective that we don't have to go through the court mechanism in order to be able to get them.

Q. Then you would eventually favor a system where the public agency is only the provider of last resort?

A. That's correct. Of course, there can be just as much bureaucracy in private agencies as there can be in public agencies—we all recognize that. I guess what I want is the assurance that regardless of what system we have, if there's a kid who needs some kind of service it's going to be provided for.

Q. What impact do you see the Carter Administration having on this office and on the national effort in general?

A. I would have to assume on the basis of what one reads in the newspapers and on the basis of the things he did as Governor of Georgia that the new Administration will be more people oriented, that there will be a deeper concern and commitment to the needs of children, than has generally been demonstrated by the current Administration. With that introductory statement, my eternal optimism comes out that with this kind of change and with this kind of hope for leadership, there would be a greater attention to the needs of young people and there would be more resources poured into these needs.

Q. Do you see a lessening of the linkage between young people and the current anti-crime approach to policy, and more of a linkage toward prevention and social welfare concerns?

A. I think we're going to see more concern about the basic factors that cause these problems, whether they concern just young people or citizens in general; and a far greater emphasis, I think, on services that can reinforce the home and reinforce the school. I tend to see a concentration in those two areas.

Q. Do you see the introduction of a pro-family policy with an analysis of various federal efforts looking at the impact on the family as eventually having some impact on delinquency?

A. This is where I'm predicting, and I have to be honest and say perhaps it's more of a hope than anything else.

Q. Given the current structure of the federal government, it would appear that the federal Coordinating Council on Juvenile Justice and Delinquency Prevention has a key role. What would you like to see that board become?

A. That's the very focus of my Fellowship study. I'd rather answer that a year from now because then, hopefully, I'd give you a more knowledgeable answer; and secondly, if I knew the answer now I'd quit the Fellowship and go do something else. I said earlier, and I'd like to restate it, that I have some real concerns about coordination and what it means. In the short time I've been around Washington, I haven't seen any reason why the departments of the federal government should coordinate around delinquency prevention. There's no real incentive for them to do so, and there isn't even any authority, legislatively, to require them to, other than the fact that they have to meet and that certain reports have to be prepared for Congress and for the President. If coordination is going to be effective, either in delinquency prevention or in any other service need, it seems to me that we've got to look at ways of putting some teeth into that coordination effort or some incentive into it, one or the other. The second early conclusion that I'd make from a standpoint of about three weeks' expertise, is that I have some early reservations whether or not coordination should be around such a limited symptom as delinquency. Perhaps we should be thinking about this coordination around a broader perspective of youth needs: delinquency only being one symptom of that.

Q. California recently enacted legislation that will revamp its juvenile justice system; providing separate community-based programs for status offenders, among other things. What are the critical areas this legislation was designed to meet and do you see it as a model piece of legislation for other states?

A. Senate Bill 3121 is an excellent piece of legislation, particularly considering that it was a compromise act built to take into account the very strong feelings of the law enforcement fraternity about tougher laws for young people, strong feelings on the part of the district attorneys that they should be made a part of

the juvenile court process, and strong feelings on the part of a rather wide cross section of young people that felt young adults aged 16 and 17 who commit very serious crimes should be treated as adults in the adult criminal system. Merged with those attitudes was another cross section of Californians who felt very strongly that status offenders should be separated out from juvenile delinquents and that the whole deinstitutionalization process should be carried ahead as rapidly as possible. That there should be a marriage as there was in that bill is really almost remarkable. I don't know whether I would say it is a model act that should be emulated by other states. I think there are basic ingredients of the act that make absolute sense. It speaks very strongly to the fact that the juvenile court must be an adversary process and that in providing due process protections the district attorney has a role. It speaks very strongly to the fact that there are certain young people who, because of their maturity and the serious offenses they commit, should at least be considered for waiver into the criminal court. But the protection built into that act is that that decision should be done that's made in the juvenile court, not in the criminal court. And then I think a very forward step, and I'm very proud to have been a part of it, is that California will as of January 1, 1977, no longer place status offenders in any kind of institutional setting with delinquents; and secondly, that status offenders under no circumstances can be escalated into juvenile delinquents even if they are found in violation of a court order. So from that standpoint, those particular features of it could well be used as a model for other states.

Q. What do you see in the future in terms of this whole area of juvenile justice and delinquency prevention? President Ford recently gave his view to the Chiefs of Police meeting in Miami when he said it was time for a crackdown on juvenile crime. What are the things you'd like to see done?

A. Certainly any efforts, regardless of what they are, that deal only with the offender after he's caught aren't going to do anything about making our streets any safer. If our concern is doing something about reducing crime, then we'd better start thinking about doing something besides getting tough when the offender is caught. I do have some reservation about what that sanction should be, and I don't think we have to use a form of incarceration as often as we do in America. On the other hand, I am even more concerned about the fact that, in trying to make our streets safer, if we only concentrate on the offender we're only hitting at the tip of the iceberg. Nothing is going to be changed about all the vast amount of crime that's happening out there unless we begin directing some of our attention, some of our creativity, and certainly a lot of our resources to those things which occur in our society which produce crime.

Q. Which are?

A. I'll respond with the ones that are understood most clearly; such as poverty, discrimination, poor housing, poor education, and lack of opportunity. Having said those things, I realize that in many respects I haven't spoken to the specific causes. But I think what we have to face up to is that there's a tremendous amount of crime that's occurring because our society has been unwilling to deal with a large segment of our citizens, who are the have nots. Until such time as we can deal more effectively and more fairly with the have nots, I think we're always going to have a great deal of crime. So that speaks to some very radical ways in which we deal with economic, social, and moral needs. I don't care how effective youth service bureaus, YMCA's, or 4-H programs are in dealing with a small minority of our young. There are some far more basic changes in society that have got to take place and I'd hope we'd speak to the need for that. But until that day comes along, I hope we do everything we can to have more effective youth service bureaus, YMCA programs, and so forth. Perhaps it's a holding action until we become more mature and sensitive to the needs of everyone in our society.

Q. The National Advisory Committee on Juvenile Justice is a year and a half old now. Speaking as a member, how do you rate its performance?

A. Like any large group of citizens brought in from many walks of life from all over the country, there was a period of getitng acquainted, becoming more knowledgeable about the subject matter at hand, and not having adequate staff to provide the necessary services. These are all excuses, but I think they speak to the fact that the National Advisory Committee has been slower in terms of developing the understanding and suggested programs that the members I've had the opportunity to talk to would like to have seen.

JANUARY 1977

JUVENILE JUSTICE OFFICE CALLS CONFERENCE—KEY MID-WEST ADVISORY BOARD MEMBERS MEET

Representatives of six Mid-Western state advisory boards met with LEAA's Office of Juvenile Jusice December 5–7 in Chicago to discuss the implementation of the Juvenile Justice Act and the role and development of state advisory boards. Milton Luger, head of the Juvenile Justice Office, invited the chairman, vice chairman, youth advisory member, and juvenile justice specialist from each board to the conference; and attendance was excellent except for the youth representatives, who were present from only three states. Only one of these, Wisconsin's Patricia Jaegers, 15, is on the receiving end of the youth service system.

Participants heard a discussion of current issues in juvenile justice from Luger; Fred Nader and Dave West from the Juvenile Justice Office; Allen Breed, former director of the California Youth Authority and now a Fellow at LEAA; and Prof. Paul Hahn of Xavier University, Cincinnati. The core of the conference, however, was extensive discussions among board members on the past performance and future role of the state advisory boards; and participants were able to share with their counterparts from other states the problems and progress of developing their state plan.

The final panel of the conference was on gaining and using clout to fully implement the Juvenile Justice Act. Panel members were J. D. Anderson, chairman of the National Advisory Board on Juvenile Justice, who discussed the activities of the National Board; Bill Drake, of the League of Cities, who discussed the realities of developing political power for youth serving agencies; James Arnold, of Legis 50, who focused on the vital role of upgrading the quality of the decision making process in state legislatures; and NYA director Bill Treanor, who stressed the importance of strong juvenile justice state advisory boards and developing state-wide coalitions of youth workers.

Treanor also lambasted the National Council of Juvenile Court Judges for opposing the mandatory deinstitutionalization of status offenders and the National Conference of State Criminal Justice Planning Administrators for opposing the development of strong state advisory boards (it turned out most advisory board members had never heard of this latter group).

Fred Nader said the Juvenile Justice Office would evaluate the Region V (Mid-West) conference before deciding whether to hold additional regional conferences or to have a national conference of key advisory board members. Advisory board members wishing to make known their sentiments on the issue of additional training for advisory board members can write Milton Luger, Office of Juvenile Justice, LEAA, 633 Indiana Ave. N.W., Washington D.C. 20531.

SENATE TO CONSIDER NEW ACT—NYAP RECOMMENDS CHANGES IN RUNAWAY YOUTH ACT

Due to the Ford Administration's refusal to request reauthorization of the Runaway Youth Act (Title III of the Juvenile Justice and Delinquency Prevention Act of 1974), Sen. Birch Bayh's Subcommittee on Juvenile Delinquency is proceeding to develop a new Runaway Youth Act and may begin hearings on this as early as February. Sen. Bayh and the subcommittee staff have requested recommendations concerning the Act and among those responding was NYAP, which drafted a list of suggested changes including the following:

* *Amending the title of the Act to read "Runaway Youth and Families and Youth in Crisis."* Limiting the scope to runaway youth excludes young people who have been compelled for one reason or another to leave their homes, youngsters who have been thrown out of their homes, and young people recently discharged from an institution or from a series of foster care or group care placements who have no home to which they can return. These young people often find themselves on the streets with little in the way of resources, skills, or opportunities; and outside the scope of the program established by the Act. The amendment would also broaden the Act to include services that could result in preventing those events that might cause a young person to leave home, and to provide families with supportive services that might be required to keep families intact.

* *Raising the maximum amount of a grant to a runaway program from $75,000 to $100,000; and changing the priority of giving grants to programs with program budgets of less than $100,000 to programs with budgets of less than $150,000.* This change was suggested by the National Network of Runaway and Youth Services, based on computations of the actual cost of operating programs designed to provide services to runaway youth and their families.

* *Returning at 90% the federal share of a program's budget during any fiscal year.* The Office of Youth Development, HEW, recommended that the federal share be 90% the first year; 80% the second year, and 60% the third year; based on the assumption that local funding would be used to supplant the federal share. The realities of the situation, however, indicate that the small programs envisioned as grantees must anticipate a developmental process for receiving local funds, including, for instance, certification from the state as an official childcare agency before approaching a local unit of government for funding. The entire process of breaking into the cycle of local funding can often take a new or small program well over two years; therefore, the federal share of funding should remain constant during that period.

* *Establishing a toll free telephone service to assist runaway youth in reuniting with their families and to enable centers working with runaways to communicate with service providers in the runaway's hometown.* This will provide for better communication leading to a return of the runaway to his family and community.

* *Adding a section entitled "Families and Youth in Crisis."* This section would have an authorization of $30 million per year, and would provide a means through which many of the root causes of the problems of runaways, undomiciled youth, and families and youth in crisis can be approached. It would also close service gaps not envisioned in the original Act. Grants and contracts would be awarded to develop programs which would assist families in coping with problems related to family life, including single parent families, child abuse and neglect, educational deficits, major illnesses, unemployment or underemployment, inadequate housing, alcohol and drug abuse, and disintegration of the nuclear family. Training, research, and coordination of community resources would also be a part of this effort.

* *Raising the authorization level from $10 million to $30 million for the fiscal years ending September 30, 1978, 1979, 1980, and 1981.* These funds would be for all activities under the Act except those discussed in the section immediately above, which would also have an authorization of $30 million.

FEBRUARY 1977

SENATE TO CONSIDER 3-YEAR EXTENSION—NYAP RECOMMENDS CHANGES IN JUVENILE JUSTICE ACT

Sen. Birch Bayh (D-Ind.) will introduce a 3-year extension of the Juvenile Justice and Delinquency Prevention Act within the next few weeks, calling for an authorization of at least $500 million for that period: $125 million for FY 78, $175 million for FY 79, and $200 million for FY 80. The appropriation for the current fiscal year is $75 million.

The bill will propose the creation of a new office within the Department of Justice—but separate from LEAA, which is currently administering the Act—to act as a legal advocate for children and youth in areas ranging from child abuse to delinquency prevention to adequate medical care. This office would be given the authority to pursue litigation against state and local jurisdictions as well as private individuals who violate the rights of children.

LEAA has already submitted the changes it would like to see made in the Act, as have youth workers and youth service programs. NYAP has drafted a lengthy list of recommended additions and deletions, which are summarized below.

In attempting to compile these recommendations, NYAP found itself confronted by a number of gaps in its knowledge; the first among these being a result of the current state of the Executive branch of government as a system in transition. The broad policy considerations of who should administer the various provisions of the Act should be based, in part, upon a clear understanding of the goals, directions, priorities, and personalities of the Executive branch. This clarity has not yet emerged.

The second gap exists as a result of the relatively short period of time the Office of Juvenile Justice has been in actual, operating existence, and the lack of

commitment on the part of the Ford Administration to the expeditious and industrious implementation of the Act. Therefore, it is difficult to make a meaningful assessment of the Juvenile Justice Office to operate within the Justice Department as the vehicle for the implementation of the Act.

A number of options have been discussed on this topic. First, that jurisdiction over the Act be transferred from Justice to HEW. NYAP is in philosophical agreement with this as being consistent with the trend towards removing the treatment and prevention of juvenile delinquency from the criminal justice system. However, the practical consideration of the ability of HEW as currently constituted to successfully implement the provisions of the Act or even to perform at the level of efficiency and expertise demonstrated by the Office of Juvenile Justice seems to outweigh philosophical considerations.

Another option is to create a new Office of Juvenile Justice within the Justice Department but separate from LEAA. This would tend to increase the level of visibility and importance accorded the Office and it would remove a level of administrative control and access within the Department. The drawbacks in such a move include the cost of establishing a parallel system of support services for the Office apart from LEAA and the difficulty of coordinating juvenile justice activities initiated under the Maintenance of Effort provisions for the Omnibus Crime Control and Safe Streets Act, which LEAA is administering.

A third option is to create a special office within the White House which, among other tasks, would administer the Act. Such an office would be similar to the one proposed by Bayh in his original bill. It would also be the closest approximation to that long fabled Cabinet position for youth.

Therefore, NYAP will assume that jurisdiction over the various titles of the Act will remain within the Office of Juvenile Justice. NYAP's specific recommendations, of course, are keyed to the many sections and subsections of the Act; but taken as a whole, most of them come under one of the following categories:

* More administrative authority should be vested in the LEAA Assistant Administrator in charge of the Office of Juvenile Justice rather than in the LEAA Administrator. This should lead to more effective operation of the Office. The Assistant Administrator should be authorized to select employees of the Office, to implement overall policy and develop objectives and priorities for all federal juvenile delinquency programs and activities, and to arrange grants and contracts with states.

* The staff of the Juvenile Justice Office should be increased. The Assistant Administrator should be able to hire as many staff people as are necessary. One of the apparent impediments to the efficient administration of the Act under the Office has been the lack of a staff of adequate size and composition.

* Coordination should be increased between federal agencies working in the areas of juvenile justice and delinquency prevention. For instance, the federal Coordinating Council on Juvenile Justice should be expanded to include HEW agencies.

March 1977

Centers To Assess "State of Art" of Youth Work—LEAA Assessment Center Advisory Board Meets

The Assessment Center Program Advisory Board, created by LEAA's National Institute on Juvenile Justice and Delinquency Prevention (NIJJDP) to oversee the work of its four national assessment centers, met for the first time last month in Hackensack, N.J. The 10-member board is to perform a variety of tasks in regard to the assessment centers; including selecting topics for consideration, providing guidance, making decisions to improve effectiveness, and insuring quality control.

The four assessment centers have contracts with the NIJJDP to assess "the state of the art" of youth work and to produce guidance and training materials for youth work practitioners and planners. It is hoped the ambitious, costly ($2 million annually) project will result in the production of a steady stream of useful, readable material on what works and how to do it in the youth services field.

Three assessment centers will concentrate on specific topics, while a fourth—the National Council on Crime and Delinquency in Hackensack—will provide overall coordination under the direction of Dr. Robert Emrich. The Center for Alternatives to Juvenile Justice System Processing will be located at the Uni-

versity of Chicago and the Center for the Assessment of the Juvenile Justice System will be administered by the American Justice Institute in Sacramento, Calif. LEAA has yet to award the contract for a prevention assessment center.

The advisory board will be chaired by Judge Marshall Young of Rapid City, S.D. The other members are Bill Bricker, National Director, Boys Club of America; Dr. Lee Brown, Director of Justice Services, Portland, Ore.; Dr. Inger Davis, San Diego State School of Social Work; Prof. Albert Reiss, Yale University; Angel Rivera, Community Services Administration, HEW; Bill Treanor, Director, NYAP; and Prof. Franklin Zimring, University of Chicago. Dr. James (Buddy) Howell, Director of the NIJJDP, is an ex-officio member of the board.

The board will meet again this May in Chicago. Youth workers should be prepared to review the utility and relevance of materials produced by these assessment centers to give timely analytical comment to board members and to others involved in this effort.

(Inquiries concerning the National Assessment Center Program should be directed to Dr. Robert Emrich, National Council on Crime and Delinquency, 411 Hackensack Ave., Hackensack, N.J., (201) 488-04400.)

—Bill Treanor, NYAP Director.

APRIL 1977

BILL ASKS FOR 5 YEAR, $1 BILLION REAUTHORIZATION—JUVENILE JUSTICE ACT EXTENSION ENLARGES YOUTH WORKER ROLE

A five-year, $1 billion reauthorization of the Juvenile Justice and Delinquency Prevention Act of 1974 was introduced in the Senate by Sen. Birch Bayh (D-Ind.) last month. Bayh, the main author of the Act, said his bill basically perfects and reaffirms existing provisions; but it clearly incorporates recommendations from youth workers and community-based youth service programs and provides them a larger role under the Act. The Act expires in September.

The Senate Subcommittee to Investigate Juvenile Delinquency has slated hearings on the reauthorization bill for April; but the current committee reorganization in the Senate may delay that. In addition, Sen. Bayh is expected to leave his post as subcommittee chairman to become head of the Subcommittee on Constitutional Amendments; while the Subcommittee's chief counsel, John Rector, will be leaving to become chief of LEAA's Office of Juvenile Justice. These moves may cause additional delays. Bayh's successor on the delinquency subcommittee is Sen. John Culver (D-Iowa).

The Senate faces a May 15 budget deadline on reauthorizing the Act. Bayh said he was "cautiously limiting substantive alterations" to the Act to speed the process—omitting provisions for a national conference on learning disabilities and an Office of Children's Justice within the Justice Department. (On the House side, Rep. Claude Pepper (D-Fla.) has introduced an amendment to the Act calling for a learning disabilities conference). Bayh said such additions to the Act could be subject of hearings this summer or fall.

Yet the bill does propose amendments to strengthen the federal delinquency prevention effort so that recent actions by the Ford Administration to weaken the Act's provisions will not be repeated under future Presidents. However, Bayh said, he was certain of President Carter's commitment to the program.

The major points of the Bayh reauthorization bill are as follows.

* The powers of the Assistant Administrator—the executive head of the Juvenile Justice Office—are strengthened. The 1974 Act intended that the head of the office be delegated all administrative, managerial, operational, and policy responsibilities for LEAA's delinquency prevention activities. However, the LEAA Administrator did not delegate these responsibilities to him during the years of the Ford Administration. The new bill reaffirms and facilitates these powers. The bill also emphasizes the autonomy of the Assistant Administrator from the regular LEAA structure.

* The Juvenile Justice Office is provided additional staff, including a deputy administrator to oversee the Part B activities under Title I (federal assistance to state and local programs).

* The 33 member National Advisory Committee is strengthened. The 1974 Act said committee members would be chosen from those having special knowledge concerning delinquency prevention and juvenile justice; and Bayh now includes among these "youth workers involved with alternative youth programs." In addition, at least one-third of the members must be 22 or under—down from 25—and at least one-third of these "shall have been under the jurisdiction of the juvenile

justice system." The committee will receive at least 1% of the funds for the Act, which it could use to award grants and contracts to carry out its functions; and will conduct seminars, workshops, and training programs around the country to assist state advisory groups.

* The state advisory groups are also strengthened by requiring their involvement in policy formulation and the implementation of the Act in their states. At least 10% of the formula grant funds going to a state will go to the state advisory group; and it, too, could award grants and contracts. Similarly, at least one-third of the members must be under 22.

* The match provision is waived for private, non-profit organizations. Bayh said the formula grant program is improved by eliminating the "burdensome records-keeping associated with in-kind match for non-profit groups."

* Among the advanced techniques which states may fund will be youth advocacy programs aimed at improving services for and protecting the rights of youth.

* Dependent or neglected children will be included under the provision that status offenders may not be placed in juvenile detention or correctional facilities. The wording that such children "must" be placed, instead, in shelter facilities will be changed to read "may." States would still have two years in which to meet this requirement.

* A state failing to meet this deinstitutionalization requirement within two years would have to show it was in "substantial compliance" to avoid becoming ineligible for future funds. Substantial compliance would mean 75% deinstitutionalization had been achieved, and the state would have three years to meet the requirement.

* Special Emphasis school programs will be more closely coordinated with HEW's Office of Education. In addition, new categories for special emphasis will include youth advocacy, due process, and programs to encourage the development of neighborhood courts. "Through the encouragement of arbitration, mediation, conciliation by the use of paralegals, ombudspersons, advocates, community participants, and others, while assisting victims, we can encourage the development of more rational and economical responses to minor delinquent behavior," Bayh said.

* Authorized for the Act is $150 million for FY 78, $175 million for FY 79, $200 million for FY 80, $225 million for FY 81, and $250 million for FY 82. The authorization for FY 77 is $150 million, though only $75 million was actually appropriated in the face of intense opposition from the Ford Administration.

STATEMENT OF LENORE GITTIS MITTELMAN, THE CHILDREN'S DEFENSE FUND OF THE WASHINGTON RESEARCH PROJECT, INC.

I thank you for giving the Children's Defense Fund of the Washington Research Project the opportunity to present testimony on proposed amendments to the Juvenile Justice and Delinquency Prevention Act of 1974. CDF is a national, nonprofit, public interest child advocacy organization created in 1973 to gather evidence about, and address systematically, the conditions and needs of American children. We have issued a number of reports on specific problems faced by large numbers of children in this country, and will issue several more in 1977. We seek to correct problems uncovered by our research through federal and state administrative policy changes and monitoring, litigation, public information and support to parents and local community groups representing children's interests.

Our monitoring of federal programs designed to provide services for children in the areas of health, education, child welfare, child development and family support have naturally lead us to our interest in the juvenile justice system and those children caught up in it. The Juvenile Justice Division of the Children's Defense Fund, formerly in New York City under the direction of the Honorable Justine Wise Polier, conducted a study of children in jails as well as a more broadly focused study of non-delinquent children, including status offenders, who are in placement out of their homes.

It is clear to us that often children subject to juvenile court jurisdiction are the very same children who were deprived, and continue to be deprived, of those essential developmental, educational and support services that have been CDF's traditional concern. Too often for these very same youngsters there are additional sets of problems caused by failures and inadequacies within the juvenile justice system. Thus the Children's Defense Fund approaches the Juvenile

Justice Act with the understanding that a federal delinquency program cannot solve all the problems caused by the failures of the other systems that impact on children. However, we do believe that there must be a vigorous federal delinquency program that responds to the very real problems imposed upon children by the clear inadequacies in the juvenile justice system.

We appreciate the past efforts of both the House and Senate oversight committees on important issues affecting children caught up in the juvenile justice system and are grateful to have this opportunity to appear before you and offer our comments on a number of proposed amendments.

Status offenders (§§ 223(a)(12) & 223(c))

1. *Requirement for Deinstitutionalization within two years*

We are concerned that both the Administration bill, H.R. 6111, and Senator Bayh's bill, S1021, propose changes that seemingly undermine the Acts mandate that States deinstitutionalize status offenders within two years of submission of State plans. The initial decision to incorporate the two year requirement in the statute was based upon a clear body of evidence that institutionalization of status offenders in remotely placed, large warehousing institutions, bereft of services, was totally destructive to the children and, indeed, provided them with excellent schooling in crime. Conditions in these institutions created settings in which the truant learned well from the mugger and the runaway learned equally as well from the rapist. Both children and society were irrevocably damaged. This evidence has not changed, and the requirement for deinstitutionalization, based upon the evidence, should not change.

Nevertheless both bills change the requirement for full compliance within two years by providing that "substantial compliance" is also acceptable if a State has made an unequivocal commitment to full compliance within a "reasonable time". Presently the law sets a clear standard. It requires deinstitutionalization of status offenders within two years, and a State is in compliance *only* if it conforms to that standard. If a State does not deinstitutionalize within two years, it is in violation of the law. However, under the proposed changes the act would essentially provide that a State is in compliance with the law even if it is *only* in substantial compliance. The full compliance standard becomes meaningless because it allows a State to be in non-compliance yet still be in conformance with the law.

If a State is presently not in full compliance, the agency administering the act, the Office of Juvenile Justice and Delinquency Prevention, has the power to negotiate with the State to bring it into full compliance. OJJDP *always* has the discretion to be reasonable in negotiations and indeed must be to retain its credibility with the States. However, the requirement for full compliance gives OJJDP the tool it needs in negotiating with the States to work out compliance mechanisms.

Therefore we oppose allowing a State either 3 years above the first 2 years or a reasonable time after those first two years for deinstitutionalization of status offenders. Deinstitutionalization will never happen if the requirement is so weakened as to allow States either 5 years or an undefined period in which to accomplish it.

Indeed, we believe that new legislation should strengthen the commitment to deinstitutionalize. We fully support Senator Bayh's proposal to make a State ineligible for its maintenance of effort funds under the Safe Streets Act if the State is not in compliance with deinstitutionalization requirements. This gives LEAA a badly needed tool for negotiating with the States to bring them into compliance. The amount of funds available under the JJDPA has not yet been large enough to be effective.

2. *Shelter Facilities* (§ 223(a)(12))—This section provides that status offenders, both those charged and those who have committed offenses, cannot be placed in juvenile detention or correctional facilities but ". . . must be placed in shelter facilities." We are troubled by the use of the term "shelter facilities" which is not defined any place in the Act. Neither the Administration nor Senator Bayh has proposed any changes in the use of the term.

Used alone, without further elaboration, the term "shelter facilities" has many different meanings. It is used to describe facilities of different sizes in both urban and rural areas. It is used to refer to facilities with different levels of security and facilities used for different groups of children, i.e., dependent or neglected children and status offenders. Further, it applies to facilities for temporary placement prior to adjudication as well as to facilities used for both temporary and

permanent placement subsequent to adjudication. Frequently there are no requirements concerning the extent and quality of services that must be provided to children placed in shelter facilities.

For the above reasons, we do not believe the term "shelter facilities" should be retained in the Act. Further, we would like to propose that any substitute language describing alternative facilities where status offenders must be placed embody the following requirements: Any alternative placement should be in the least restrictive alternative appropriate to a child's needs and within reasonable proximity to the child's family and home community. The facility should be required to provide appropriate services, including education, health, vocational, social and psychological guidance and other rehabilitative services.

It appears that Senator Bayh and the Administration both attempt to enlarge placement options under this section by proposing that ". . . *must* be placed in shelter facilities" be changed to ". . . *may* be placed in shelter facilities." In fact, we believe that such a change increases the potential for the placement of status offenders in inappropriate facilities and defeats one of the original purposes of the Act which is to clearly limit the types of facilities in which status offenders can be placed. We believe that a better solution to the problems of increasing alternatives for status offenders is to redefine, as follows, the alternative facilities in which status offenders can be placed under the Act:

§ 223(a) ". . . such plan must

(12) provide within two years after submission of the plan that juveniles who are charged with or who have committed offenses that would not be criminal if committed by an adult, shall not be placed in juvenile detention or correctional facilities (, but must be placed in shelter facilities). *Such juveniles must be placed in facilities that are the least restrictive alternatives appropriate to their needs. These facilities must be in reasonable proximity to the family and home communities of the juveniles taking into account any special needs of the juveniles, and shall provide the services described in section* 103(1);*

Children in Adult Jails (§ 223(a)(13)

In January of the year CDF released its study on *Children in Adult Jails*.† I will not repeat many of our findings since most of you have received copies of the study. However, I wish to recall for you that the jailing of children has been condemned for nearly a century as a cruel and unnecessary practice. It is often prohibited by State laws yet it persists in every region of the country. Every day across this country thousands of children are subjected to the harsh reality of jail, too often to their everlasting damage.

It is a tragedy for any child to be held in jail. It is also a travesty because the overwhelming majority of children in adult jails are not even detained for violent crimes and cannot be considered a threat to themselves nor to their communities. In our study we found that only 11.7% of jailed children were charged with serious offenses against persons. The rest—88.3%—were charged with property or minor offenses. Most alarmingly, 17.0% of jailed children had committed status offenses. That is, truants and runaways were held in jails, under abysmal conditions, easy prey for hardened adult criminals. An additional 4.3% of the jailed children had committed no offense at all.

Section 223(a)(13) of the JJDPA restricts use of jails for juveniles only by providing that children have no "regular contact" with adult offenders. Our study has shown that "this prohibition cannot protect children from physical or sexual abuse any more than state laws with similar provisions have protected children in the past." We have recommended and we continue to recommend that the JJDPA should be amended to require State plans to include provisions for ending the incarceration of children in jails within 12 months. In addition we recommend that the federal government should set a date after which no federal law enforcement aid will be granted to any state that continues to hold children of juvenile court age in any correctional facility, including jails or lockups.

Further, we recommend that § 223(a)(13) be amended by deleting the word "regular" so that *all* contact between children and adult offenders in correctional institutions is completely prohibited. We think there is little disagreement that children need protection from incarcerated adults. This is one way to provide them with more protection than exists under present federal requirements.

---

*Deleted material in parentheses, new material in italic.

† See p. 133.

Maintenance of Effort (§ 261(b))

The JJDPA requires that LEAA devote 19.5% of its 1972 Safe Streets funds to juvenile justice. However, there is no mechanism that contains information nor reveals that this is happening. We propose that the Act be amended to require LEAA to establish a monitoring system to track compliance with this requirement.

Match Requirement (§ 222(d))

The statute presently gives the LEAA Administrator discretion to require cash or in-kind matching funds. Senator Bayh's amendments retain that discretion. However, the Administration's amendments delete the possibility of in-kind match and only permit cash match. We strongly oppose the Administration's proposal. Removing the possibility of in-kind match effectively destroys the ability of many private organizations with funding problems to apply for grants. We know that organizations, even some of the larger private nonprofits, have funding problems under present economic conditions. Further, the proposed changes handicap small agencies and organizations which are developing innovative programs and cannot secure money from financially troubled municipalities and counties. In short, the deletion of the possibility of the use of in-kind match hampers the private sector in developing and implementing the kinds of programs envisaged by the Act.

State Advisory Councils-State Planning Agencies (SPA's)

There have been problems in a number of States in that SPA's have not been giving Advisory Councils sufficient opportunity to "advise and consult" in the formation of State plans. Too often SPA's have submitted State plans to Advisory Councils directly before submitting them to Washington. This is in direct contravention of the purpose of the Act in creating Staff Advisory Councils. Advisory Councils are to provide citizen participation in the planning process. We ask you to consider imposing a reasonable time frame upon the process, or, as has been recommended by other organizations, statutorily requiring submission of Advisory Council comments on State plans along with submission of the plan. We wish to add to this last recommendation a further condition that the SPA's be required to submit in writing its reasons for not accepting specific Advisory Council proposals.

Again, we appreciate this opportunity to present our concerns to you. We believe the JJDPA has enormous potential in aiding both States and private organizations to address the problems of juvenile delinquency and its prevention. We hope to see that potential realized.

END