If you have issues viewing or accessing this file, please contact us at NCJRS.gov.

Justice for our Children

ij juvenile justice task force

The Final Report of the Attorney General's Juvenile Justice Task Force

Columbus, Ohio
December, 1976

54157

William J. Brown, Attorney General
Judge John G. Hunter, Chairman
Clifford A. Tyree, Vice-Chairman

JUSTICE FOR OUR CHILDREN

THE FINAL REPORT

OF THE

ATTORNEY GENERAL'S

JUVENILE JUSTICE TASK FORCE

Columbus, Ohio

December, 1976

William J. Brown, Attorney General
Judge John G. Hunter, Chairman
Clifford A. Tyree, Vice Chairman

TABLE OF CONTENTS

APPENDICES

ADDENDA

PREFACE BY WILLIAM J. BROWN

We hear a great deal today about juvenile crime. But the problem is not a new one. In 1834, a crime report from London, England, stated that three fourths of all offenses were committed by street gangs of children. The problem, said the report, was due to the decay of the family.

In 1866, a Massachusetts task force called for a stop to the growth in juvenile reformatories. Instead, they said, the trend should be toward smaller foster homes, to save money and to provide better services.

In 1875, here in Ohio, the Report of the Prison Reform and Children's Aid Association said that it was "an outrage upon humanity" to lock up children in county jails. And so bad was the juvenile crime problem that only one in ten boys ordered to the State Reform School could be accepted.

Not a lot has changed. The tumultuous 1960's were difficult years for our young people. Families on the move, values in transition, television's window to the world, increases in illegal drug use, and more, combined to provide a confusing and fast-changing environment.

In Ohio, we still see the price our young must pay for the times in which they live. Over a third will grow up with only one parent. Almost half the black youth seeking work in our cities won't find a job. In 56 Ohio counties we still lock up kids in the county jail--the same "outrage upon humanity" we heard about in 1875, 101 years ago.

The cost of operating our state juvenile correctional schools has grown 14 times over, in 20 years. The budget for state juvenile schools has increased nearly 500% in the past decade alone. Still, few creative local alternatives exist to provide positive and decent youth services in our hometowns. And for all the money spent, Ohio's taxpayers have gotten higher crime rates in return.

I appointed this Task Force to provide me with the first comprehensive review of juvenile corrections reform in Ohio in half a century. I asked them to review our 25-year-old juvenile code, and our 75-year-old juvenile court system, and our 120-year-old state reform school system.

How can we better use the tax dollars we already spend on this age-old concern for young law-breakers?

The Task Force gave me their answers, pointing out some timeless and unchanging truths, and offering some creative opportunities for our future.

I intend to ask our Ohio General Assembly to consider this report, and to change our laws.

I thank the Task Force members for their public service.

WILLIAM J. BROWN
Attorney General

LETTER OF TRANSMITTAL

Dear Attorney General Brown:

In January of 1976 you requested I chair a Task Force on Juvenile Justice. In February, your Task Force met with you to receive our charge.

Since that time, subcommittees have met monthly in diligent pursuit of their mission. They have given thousands of hours, and traveled hundreds of miles these past months to serve the youth of Ohio.

One third of Ohio's population is under the age of 18--some 3.8 million citizens. Last year, state agencies served nearly 750,000 children with problems. Our juvenile courts made dispositions in 83,000 delinquency and "unruly" cases in 1975. The task of serving the youth of Ohio, therefore, is not a small one.

The Task Force has addressed this opportunity to seek out new alternatives and better services for the young people of Ohio. And, their response is one of enthusiasm, with positive, affirmative, and innovative recommendations, but tempered with the realization that there are no simple solutions. There is no single panacea. Instead there exist only intelligent choices.

Contained herein are the recommendations of your Task Force. It is our hope and desire that our recommendations will aid in the important work that only now begins.

Respectfully submitted,

The Honorable John G. Hunter
Chairman

ACKNOWLEDGMENTS

The Task Force and Staff wish to express our gratitude to Ohio Attorney General William J. Brown for the opportunity to serve the children and youth of Ohio, and for the resources he has made available to us.

The Task Force and Staff wish to extend our appreciation to the Ohio Association of Juvenile Court Judges for their interest and cooperation. And we wish to acknowledge the openness, candor, and cooperation of dozens of staff and young persons at Ohio Youth Commission institutions.

The Task Force and Staff wish to thank Legislative Assistants Alan D. Huess and Lee A. Johnson of the Staff of the Ohio General Assembly for their able participation and assistance throughout the year. We wish to thank Lt. John M. Sinko of Cleveland Heights whose 27 years as a police officer provided us with invaluable insights.

The Staff especially wishes to thank three persons:

Former First Assistant Attorney General Robert H. Olson for his trust, and for the frustrating questions he always asked that we could never answer.

Former Ohio Youth Commission Director Joseph L. White, a Fellow in Social Policy at the Academy for Contemporary Problems, for his timely and provocative advice and counsel.

University of Toledo College of Law Professor James Carr for his interest and concern throughout.

TASK FORCE MEMBERSHIP

The Honorable John G. Hunter, Chairman

Mr. Clifford A. Tyree, Vice Chairman

Mr. John H. Mason, Subcommittee Chairperson

Sister Lois Zettler, Subcommittee Chairperson

The Honorable William G. Batchelder

The Honorable Thomas M. Bell

Ms. Candace R. Cohen

Mr. Lee C. Falke

Reverend John Frazer

Ms. Joan Lees

Mr. Martin G. Lentz

Mr. Malvin B. McLane

Ms. Barbara K. Mendel

Ms. Mary Lynne Musgrove

Mr. James D. Sanders

The Honorable Cliff Skeen

The Honorable Walter L. White

Professor Robert J. Willey

The Honorable Neal F. Zimmers, Jr.

PROJECT STAFF, OFFICE OF THE ATTORNEY GENERAL

David J. D'Aquila, Special Assistant to the Attorney General
and Project Director

Lawrence T. Curtis, Assistant Attorney General
and Project Legal Director

Doretta L. Petree, Administrative Assistant
and Project Research Director

Linda J. Mosley, Administrative Aide and Secretary
for the Task Force and Staff

ARTICLE I

SUMMARY OF REPORT

SUMMARY

The Task Force Report provides three separate but interdependent sets of statements and recommendations.

The first deals with a rationale or a philosophy for all other recommended changes.

The second is a set of overall goals for improvement of the entire system of juvenile justice, child care, and youth services throughout Ohio.

The third is a listing of specific legislative or administrative actions that should be considered immediate priorities to ensure minimal standards for the protection of the rights of juveniles and for the treatment of juveniles.

A. Rationale for change and philosophy of justice for children:

1. Pervasive throughout the Reports that follow is a dedication to the rights of children, to the care and training of children, and to the inherently unique nature and dignity of each individual child.

2. Throughout our work our intent has been to make our existing system work better, where possible, and to supply alternatives where necessary. We have employed three criteria in accounting for the substance of our recommendations:

*EFFECTIVENESS: Making the system more useful, and more beneficial to the children it serves.

*EFFICIENCY: Making the system less wasteful, and more accountable for the use of public resources.

*FAIRNESS: Making the system as equitable as possible, and less arbitrary, less discriminatory.

*In short, our quest has been to suggest how we can best use the resources we already have in the best interests of children, and to determine what additional resources, if any, are needed.

B. Overall Goals for juvenile justice, child care and youth services:

1. Totally re-organize, at the cabinet level, all state services to juveniles, children, youth, into a new single agency for children and youth in Ohio. We must coordinate and manage more efficiently Ohio's gigantic and disorganized network of state youth services which now includes a half-dozen divisions and agencies, expending $850-million per biennium, while many Ohio children who need services don't receive them.

2. Totally re-order priorities and re-allocate resources in juvenile corrections away from state institutions and courts; and toward diverse community, local, regional youth services, programs, facilities, and opportunities. Ohio has far more state institutional beds than it needs, at a cost of almost $13,000 per child per year, while 56 Ohio counties have no juvenile detention or rehabilitation facilities.

C. Immediate priorities to ensure minimal standards for the protection of the rights of juveniles and for the treatment of juveniles, and to serve the public safety:

1. Close and raze the antiquated Fairfield School for Boys. Redistribute funds now appropriated for its operation into new community programs. End the century-old reliance on the wasteful, ineffectual, inhumane, pointless juvenile "training school" concept.

2. Enact a broad Omnibus Juvenile Reform Act in Ohio to achieve the following:

*Amend Ohio's broad, vague, catch-all "unruly child" laws.

*Give the juvenile court in personam jurisdiction to issue affirmative orders to parents of children brought before the court.

*Permit legal emancipation of a small minority of juveniles who meet the stipulated criteria.

*Prohibit the use of state correctional facilities (youth commission) for status offenders (such as truants and runaways.)

*Establish new standards for local juvenile detention, including a minimum age of 10 years.

*Close loopholes in the law so as to prohibit the use of county jails for all juveniles.

*Establish a maximum sentence (ceiling on time) for juveniles committed to state correctional facilities (Youth Commission); and investigate innovative approaches to sentencing and treatment consistent with the emerging "Right to Treatment Doctrine" in juvenile law.

ARTICLE II

INTRODUCTION:

American Juvenile Justice

ARTICLE II

INTRODUCTION:
AMERICAN JUVENILE JUSTICE

America's Puritan Colonists defined as "criminals" those children who were rude, stubborn, unruly, or who behaved "disobediently or disorderly towards their parents and governors." Still in 1824 New York law held that children leading "vicious or vagrant lives" could be imprisoned.

Reforms in the state's relationship with children did not come until this century. In 1899, the first special and separate court for juveniles was established in Illinois. The new court drew its legitimacy from the doctrine of parens patriae, whereby children could be declared wards of the state when their own welfare was deemed to be at stake. The concept of "the state as parent" was introduced to American justice.

A product of a humanitarian, reform-minded turn-of-the-century jurisprudence, the new juvenile court was to view children as wards, in need of protection. Those youth in trouble with the law were to be viewed not as criminals but as wayward or "delinquent" children.

The new juvenile judge was to be considered a parent figure whose first concern was to be the best interests of the individual child. Yet at the same time the judge was to represent the interests of the state.

Thus there arose in most states a basically non-adversary and informal judicial proceeding, civil not criminal in nature, and protective not punitive in purpose.

Some 77 years later, however, this reform-minded experiment in individualized justice for juveniles is under forceful attack. Critics contend the system poses incredible contradictions between promise and performance.

> "In recent years the whole question of the propriety of the state's intervention into the lives of children has been raised. Although some critics challenge the basic right of the state to intervene in the lives of children, most argue that the expectation that juvenile courts would provide protection, care, training, and education for the children under their jurisdiction is inconsistent with reality in almost all states."[1]

In the past ten years, landmarks in a re-thinking of juvenile justice have exploded upon the system.

Supreme Court decisions, radical reforms in juvenile corrections, sudden surges in juvenile crime rates, new federal legislation, and intensive efforts by several state governments have brought new challenges to the fundamental philosophy of justice for juveniles.

Notably, the decisions of the court were staggering in impact. A move toward new minimal standards of due process of law for juveniles came a decade ago. Kent v. United States, 383 U.S. 541 (1966).

Unquestionably, the landmark case came a year later, with

sweeping ramifications for juvenile rights. In re Gault, 387 U.S. 1 (1967).

Constitutional rights for juveniles had begun to play a major role throughout the day-to-day processes of the juvenile courts, and clearly the federal courts were moving toward the expansion of those rights. In re Winship, 397 U.S. 358 (1970); McKeever v. Pennsylvania, 403 U.S. 528 (1971).

Fundamental questions had been raised. The court in Kent stated: "there is evidence. . .the child receives the worst of both worlds; that he gets neither the protections accorded to adults nor the solicitous care and regeneration postulated for children." Kent v. United States, 383 U.S. at 555.

Major and radical reforms of the juvenile correctional system followed on the heels of court decisions in the early 1970's. Notably, Massachusetts administrators lead the fight for new approaches to an old problem. Their philosophy was clear.

> "From the beginning one wonders if it is feasible to treat the delinquent through society's official agencies. For if the truth were known, there are few private and fewer public treatment agencies that honestly deliver what they say they do. Our best efforts to treat the delinquent for the most part have begun in incompetence and have built to a climax of punishment and physical or psychological violence toward the offender--a process that insures the intensity of his bitterness and the escalation of his crimes. Statistics compiled by the FBI show that 74 percent of adults who are imprisoned return within five years. The same pattern is found among our juveniles. We continue, however, to harbor the myth that the longer we imprison the offender, repetition of his delinquency will be less likely. The only need we serve is our own need for false reassurance--and in these days of a rising crime rate such reassurance is a luxury beyond our means."[2]

The reformers of the 1970's brought stinging assaults on the traditional "treatment" of juveniles.

> "Today's institutions for delinquents have failed, and nothing can alter that single fact. Even if what is to replace them is no more successful in the way of preventing repeated criminal conduct, the people who pass through these alternative facilities will, we may be sure, not emerge with feelings of worthlessness and degradation greater than when they first went into them. Training schools continue to receive youngsters and subject them to programs of restraint, brutality, and futility. Such institutions differ little from their original models, with one exception. Today the conviction has become almost universal that if they ever served any purpose other than as temporary places of restraint, their consistently high rates of failure to rehabilitate strongly suggest that the time has come to close them and replace them with more humane and effective measures of care, protection, and treatment for young people. Nothing succeeds like an idea whose time has come. The institution as a means of coping with the problems of specific sectors of our population seems at this point to have run its course."[3]

Critical issues of the 1970's in juvenile law evolved around a concern over crime rates on the one hand and a concern for the harsh treatment of children on the other.

A major controversy swelled over "status offenders"--such as truants or runaways who had committed no crimes, but had broken rules applicable only to their juvenile status.

The National Council on Crime and Delinquency reported that, "Subjecting a child to judicial sanction for a status offense--a juvenile victimless crime--helps neither the child nor society; instead it often does harm to both."

The 1974 Federal Juvenile Justice and Delinquency Prevention Act called for the removal of status offenders from institutions.

At the same time, in New York and California, efforts were underway to "get tough" and "crack down" on violence and crime by juveniles. State legislators considered harsher penalties for more and younger juveniles.

In November of 1975, a draft report of the American Bar Association and the Institute for Judicial Administration (Juvenile Justice Standards Project) called for sweeping changes in our national philosophy of juvenile justice. The report called for firm, determinant sentences for juveniles commensurate with the severity of their crimes. Yet, on the other hand, the ABA report called for the extension of substantive legal rights to children, the removal of status offenders from the jurisdiction of the juvenile courts entirely, and the opening of the courts to the press and public.

Meanwhile, juvenile crime rates, it is predicted, will continue to rise in major urban areas in 1976. Teenage unemployment stands at nearly 50% for job-seeking black youth in the inner cities, and all teenage unemployment is at nearly 20% of job-seeking youth nationally, according to U.S. Labor Department reports this month.

A 1976 New York Times Editorial summarized the state of the art in juvenile law: "Someone", the paper said, "needs to be put in charge, and the various pieces of the juvenile justice system have to be coordinated." Several states, including Ohio,

are moving in that very direction.

A New York Congressman recently wrote: "The juvenile court system has been programmed for failure. Isolated attempts to solve pieces of the problem are plagued with frustration and resistance from the outside. It is difficult to see what more compelling responsibility our federal, state, and local governments have than reshaping this system. Our own future is at stake. If we do not act now, we may already have lost the battle."[4]

---

[1]Milligan, John R., West's Ohio Practice, Family Law. Vol. 13; St. Paul, Minnesota: West Publishing Co., 1975.

[2]Miller, Jerome G., "The Politics of Change: Correctional Reform," in Closing Correctional Institutions, Yitzhak Bakal (ed.), p. 3-4.

[3]Alper, Benedict S., Foreward to Closing Correctional Institutions, Yitzhak Bakal (ed.), p. viii.

[4]Ranzel, C., Juvenile Justice: A Need to Re-examine Goals and Methods, 5 Capital Law Rev. 149 (1976).

ARTICLE III

JUVENILE JUSTICE IN OHIO

AND

THE CHARGE TO THE TASK FORCE

ARTICLE III

JUVENILE JUSTICE IN OHIO AND THE CHARGE TO THE TASK FORCE

In November of 1975, Attorney General William J. Brown, in a public statement, indicated his belief that Ohio's juvenile justice system was "in chaos". He announced that his Office had the system under study, and he indicated that he would form a Task Force of interested citizens and experts to recommend broad changes.

In 1975, Ohio's state juvenile institutions were bulging at the seams and hitting new record total populations. Court-ordered commitments of youths to those facilities soared. In the summer of that year, the century-old grounds of the Fairfield School for Boys neared a total resident population of 1,200. The state, under a severe budget crunch, urged the courts to seek other avenues, and repealed a five-month minimum sentence law, in order to release minor offenders as quickly as possible. Ohio's juvenile court judges were assailed from all directions--as too soft, too harsh, too arbitrary.

Other issues emerged. One was the widespread concern for "unruly children" or so-called "status offenders". Many have found their way into state juvenile correctional facilities. In Ohio, citizens groups urged the removal of these children from the existing system entirely; and this was to be one major issue for juvenile justice reform in Ohio.

Another issue emerged as one of great concern. Reports of serious crime by youths were increasing markedly. In Ohio, as elsewhere, at least half the 1975 crime index was attributed to young people. Young Ohioans--(those under 21)--and Ohio's children--(those under 18)--registered about half the reported serious crimes in Ohio in recent tabulations. But were the figures real? What did the numbers mean? Was there an "increase" in violent crime by youths in Ohio? Should Ohio follow the news headlines from other major urban states and "crack down" or "get tough?" Clearly, these were questions worthy of investigation in Ohio.

Aside from the affect of the newly revised drug laws in Ohio, this state had seen no major change in the juvenile laws since 1953. The 1960's brought some code revisions, coupled with the growth of state juvenile training schools under then-Governor James A. Rhodes. New Ohio Juvenile Court Rules had been drafted, but few other positive changes had been seen in the 1970's in Ohio's juvenile legal system. Under the Administration of Governor John J. Gilligan, far-reaching programs to "prevent" delinquency and depopulate state institutions had crumbled in the face of economic recession, and soaring juvenile crime rates. The Youth Commission was millions of dollars in the red in 1974.

The Juvenile Justice Project was established in the Office of the Attorney General in 1975 and the Task Force was appointed in January of 1976. This Task Force was directed to report back within the year so that legislation could be submitted by January of 1977.

The Task Force would account for the substance of its recommendations within the context of three criteria:

1. EFFECTIVENESS:

   Make the system more effective at what it claims to do--(serve children and foster the enforcement of laws for children). Wherever possible and attainable, make the system more useful.

2. EFFICIENCY:

   Make the system more efficient at how it expends resources--(to get the most service for each dollar spent). Wherever possible and attainable, make the system less wasteful.

3. FAIRNESS:

   Make the system more equitable--(to reduce racial or sexual discrimination where found, to ensure fairness and consistency, to balance the needs of Ohio's rural areas and its major cities). Wherever possible, and attainable, ensure balance and fairness.

As a beginning point, the Task Force was divided into sub-committees. Rather than stratify the system by decision-making elements (such as "law enforcement--courts--corrections--schools", etc.) the Task Force was divided into committees organized around a certain youth type or labelled offender. Two child-oriented, offender-oriented groups thus emerged. One subcommittee was to

deal with all components of the system deemed appropriate in providing the best possible service for "status offenders" and minor offenders or truants or runaways. A second subcommittee was to deal with all reforms in the system or all issues relative to those young people adjudicated as "delinquents" or thought to be "dangerous offenders". Public hearings were held in May by both subcommittees. An executive committee conducted a special study of the ancient Fairfield School for Boys. Staff of the Attorney General's Office conducted a statistical survey of Ohio's 88 county juvenile courts, and a study of Ohio's massive and disjointed network of budgets and services for children.

ARTICLE IV

REPORT FROM THE SUBCOMMITTEE

ON

DELINQUENT AND DANGEROUS OFFENDERS

ARTICLE IV

REPORT FROM THE SUBCOMMITTEE ON DELINQUENT AND DANGEROUS OFFENDERS

Sister Lois Zettler, Chairperson

The Honorable Thomas M. Bell

Mr. Lee Falke

Ms. Joan Lees

Mr. Malvin B. McLane, Jr.

Ms. Barbara Mendel

Professor Robert J. Willey

The Honorable John G. Hunter (Ex Officio)

Mr. Clifford A. Tyree (Ex Officio)

The Subcommittee met at least monthly at the Academy for Contemporary Problems in Columbus.

Additionally, the members heard testimony at a public hearing in Columbus in May.

The members toured facilities of the Ohio Youth Commission in order to better evaluate the operation of state juvenile correctional institutions.[1]

INTRODUCTION

The Task Force, in speaking to the issues of crime and crime reduction does realize that there is a genuine problem in Ohio. And government cannot ignore the fear of crime. We must support the enforcement of laws and always be concerned with the safety of our citizens.

However, we have found no proposed measure to "get tough" with juveniles to be any guarantee that we can reduce crime or make the streets safer. We have found no reason to believe that crime rates or statistics accurately reflect the present condition of our juvenile justice system. We have found that the reduction of numbers or the alteration of statistics are not valid goals for our system of juvenile justice. We have seen no proof that any harsher treatment of juveniles would lower crime rates or improve the quality of justice for our children, no matter how "politically popular" such measures may appear to be, for the moment.

We know the citizens of many Ohio communities fear crime. What we do not want to do is to offer them any false hopes or any old and undeliverable promises that some magic formula exists to wipe away their fears.

We have not made our decisions easily. But we have seen no new panacea. Instead we have attempted to suggest what we must do to serve the cause of justice for our own children--to make our system less wasteful, more useful, and as fair as possible.

I. An immediate and total reordering of priorities and reallocation of resources is clearly mandated for Ohio's entire system of juvenile corrections. Large, old, centralized, overcrowded,[2] expensive, ineffectual, state institutions can serve little purpose. At a rate of nearly $13,000 per bed, per year, the operation of Ohio's state institutions is indeed a costly and wasteful practice.[3] Ohio has ample institutional capacity for those dangerous juvenile criminals who must be incarcerated.[4] Most other young offenders should be returned to their hometown environments as quickly as possible--for maximum benefit to them and at an expected savings to the taxpayers.[5]

While "rehabilitation" is perhaps a "bankrupt" philosophy for adult corrections, it is still at the center of our philosophy of juvenile justice. It is central to the question of how we want to treat our children, whom we must not merely lock-up, and for whom we must not give up hope. Even those with differing philosophies agree that our existing system neither ensures that young people are any better off for having been through it or that the public is any safer as a result.

Therefore, we believe resources must be given back to the local communities of Ohio--the cities and counties--to help us care for our own children as close to home as possible.

A. To these ends, the sprawling and ancient Fairfield School for Boys ultimately must be closed, and for the most part it must be destroyed. An immediate goal must be to reduce the population from 1,000 to 200 and raze the unsafe and unhealthy structures which have become dumping grounds for thousands of Ohio's young men over the past 100 years. Ohioans spend nearly 15 million dollars every two years for this operation, according to Ohio Youth Commission records.

In 1971, an Ohio Citizens Task Force on Corrections called for the closing and razing of the Ohio State Reformatory at Mansfield. Both the old Ohio State Reformatory and the old "Ohio Pen" in Columbus are still in operation. The "Ohio Pen" was closed, but reopened which demonstrates why buildings at Fairfield must be not only closed, but razed. The call to close Fairfield must not be another cry in the wilderness. The continuance of Fairfield is a disgrace to the State of Ohio. It must be closed. For every bedspace closed at Fairfield, nearly $13,000 of existing funds can be made available for local services. (See Report of the Executive Committee, in re Fairfield, this Report.)

B. Although dangerous or violent juvenile criminals should be incarcerated in state institutions when no other alternative exists to protect the public--MOST juvenile offenders must be offered some genuine assistance

as close to their home communities as possible. To that end, Chapter 5139 of the Ohio Revised Code must be amended to mandate the regular return of resources to Ohio's cities and counties to help every Ohio community care for its own children as close to home as possible. We must end astronomical waste of human resources and public dollars now spent on large state institutions that operate as revolving doors[6] and training grounds for criminals. Federal, state and local governments must share the cost of providing decent, humane treatment for Ohio's children in their own home communities.

B-1. We must return resources to our communities and make available all possible incentives including both capital improvement funds and operating monies for local and regional facilities and programs.

B-2. We must rely on the wisdom of our citizens to decide how best to serve the needs of children in their own hometowns. Thus while we must enforce the laws relating to basic, humane standards, we must give back to our communities both the resources to act and the power to act freely, with few "strings" attached. (See Proposal for Community Controlled Juvenile Justice, this Report.)

B-3. Chapter 5139 of the Ohio Revised Code must be amended to mandate that all state or county juvenile correctional institutions be limited to a maximum capacity of 200 youths

per facility, and that the influx of children be closed at that point. It serves no good purpose to warehouse hundreds of young people for months on end, all of whom eventually must return to the community.

C. As a corollary to a community controlled system of youth services, every effort must be made to increase cooperation and common purpose among Ohio's maze of state youth serving departments and agencies. Further study will be required to determine how best to coordinate or reorganize state youth services at the state cabinet level, to cut bureaucratic waste and overlap, and to improve intelligently planned services for all Ohio children. But such an effort must be undertaken. (See Proposal for the Cabinet Reorganization of state Services for Children and Youth in Ohio, this Report.)

C-1. Many children, especially adjudicated delinquents who also have severe mental health problems or mental retardation problems, are now shuttled between non-cooperating, non-communicating agencies and institutions; many simply fall through the cracks or get lost in the maze of bureaucracy. We must close the gaps.

C-2. Some Ohio child care institutions do not now meet even minimal federal standards.[7] We can and must meet those standards.

D. Some existing Ohio Youth Commission facilities and resources should be used to develop a Youth Services Training College for staff to receive well-planned, meaningful training before they are assigned to work in any state or local juvenile facility or program. Currently Youth Commission institutional staff are given very limited training prior to placement on the job. The College should be analogous to the existing Ohio Police Officers Training Academy (POTA) and therefore be available to youth workers from every Ohio community. Such training must be made mandatory under Chapter 5139 and 2151 of the Ohio Revised Code.

II. We must not make irresponsible promises to "reduce crime," nor must we claim that any new "get tough" policy will result in less juvenile crime. An assessment of available data gives rise to no justification for "tougher" procedures or "tougher" substantive laws for juveniles in Ohio.[8] The "bindover" of the habitually dangerous juvenile to the adult system is an appropriate mechanism for the protection of the public and is now used in the major metropolitan counties of Ohio where the bulk of serious juvenile crimes occurs.[9]

A. Three-fourths of Ohio's people live within a short drive of a major urban center. Many Ohioans fear crime, in the streets, in their place of work, and even in their

own neighborhoods. But irresponsible political promises to reduce crime will serve no useful purpose in the matter of justice for young Ohioans. The headlines from around the nation--from the media capitals in New York and Los Angeles--call for new "get tough" measures. But while juveniles do commit nearly half the reported crimes,[10] there is no reasonable basis for believing that subjecting more of them to the adult criminal justice system will deter them from crime. The existing adult system obviously does not deter now the other fifty per cent of the criminal offenders who are <u>not</u> juveniles. While the adult system is on the brink of a new effort to punish criminals, especially with mandatory sentences, we must remember that the very purpose of a separate system for youth is not to punish, but to help. Punishment and child-care are not totally incompatible. But to throw more young people into the adult prison system is at best pointless, at worst an unconscionable abuse of our own children. All available data indicates the well-publicized increase in dangerous and violent crimes by juveniles is not beyond the control of the existing system. In two major urban centers in Ohio last year, 200 youths were bound-over to the adult courts. The law in Ohio already permits such a waiver of juvenile courts jurisdiction at age 15. (See Section 2151.38, Ohio Revised Code.) There is no evidence to suggest that any "tougher" handling of juveniles, whatever that might be, will have any impact on crime rates.

B. While we must not promise to reduce crime--an old political promise to make the streets safe--we must not claim that the problem will simply go away. We live in a highly mobile, transient, transitional society. No period in history has been more difficult for children and youth than has the past decade. We must not blame our children. We must not over-react to the statistics of a tragic decade. We must realize that the vast majority of our youth are more affluent, more aware, more active, and more alive than perhaps any generation before them. But many still bear the burdens of discrimination, unemployment, alienation, and isolation that made growing up in the 1960's and early 1970's a terribly difficult experience. Perhaps both fear and crime are, for the moment, signs of the times, not easily solvable political problems, but conditions of the society around us. "Getting tougher" or "cracking down" on juvenile crime may be no more than a slogan--as inappropriate as killing the messenger because of the message. Crime may not just go away, but it is not solely the fault of our teenagers and young adults. In testimony at a public hearing, this state's chief crime statistician[11] offered this view: that juveniles do not necessarily commit more crimes than adults, but that they are apt to be caught more often than adults, and thus show up in "crime rates". The Task Force concurs.

C. After careful and deliberate study we must therefore recommend that the people of Ohio not adopt the kinds of measures now in vogue nationally to deal more harshly with young offenders. How do we want to treat our own children in Ohio? We do not want to lower the maximum age of juvenile court jurisdiction, nor do we want to lower the age at which such jurisdiction can be waived. Nor do we want to mandatorily bindover to the adult courts those juveniles who use firearms while we are unable to control the flow of guns. We do not want to give more children the "benefit" of an adult correctional system that is itself without benefit to the victim or to the offender. Rather we should strive to provide every opportunity for our children to build for themselves, and therefore for us, a better society in which to live. They cannot do that from inside a prison.

C-1. Chapter 5139 of the Ohio Revised Code must be amended to mandate that those dangerous or violent juveniles who are incarcerated in state youth correctional facilities receive close review at frequent intervals. A 2-year maximum time of incarceration should be set. A hearing should be held to review whether the juvenile should be further incarcerated. To lock up a youth at 12 or 13 with the license to hold him until he is 21, is not just, and not reasonable. (See Section 2151.38 Ohio Revised Code.) Even for those dangerous or violent juveniles who must

be incarcerated, there is the realization that locking them up indefinitely has little value. There is no evidence that a juvenile can benefit from any incarceration longer than two years. Eventually, they must return to the community.

C-2. Any effort to transfer to the jurisdiction of the adult correctional system the operation of any youthful offender facility would be counterproductive. If serious juvenile offenders are to be committed to state institutions, they should be treated in juvenile facilities. That is the appropriate function of Youth Commission facilities--a function that, perhaps, could be carried out more effectively provided those facilities are relieved of the burden of lesser and minor offenders who should not be incarcerated in state juvenile facilities. To the extent that we foster this, the Youth Commission can serve better the safety of the public and the needs of juvenile offenders.

III. Any change in our system of juvenile justice must be a move toward "openness" and away from "secrecy"; a move to reaffirm basic beliefs in "fairness" and away from "arbitrariness".

A. The Attorney General of Ohio, as the state's chief law officer, must set by example the standard for all Ohio lawyers to become more involved in the administration of justice for children; the Attorney General must call on all Ohio lawyers to become true advocates of the rights of children and to ensure fundamental fairness for the youth of Ohio throughout our system of justice.

B. Chapter 2151 of the Ohio Revised Code must be amended to mandate that all juvenile court judges in Ohio visit and tour, on a regular basis, any juvenile correctional facilities to which they commit youths; and further the law must mandate that members of the General Assembly appropriations committees visit and tour juvenile facilities and programs prior to reporting out budgetary decisions on juvenile justice.

C. Although the Ohio Juvenile Court Rules of Procedure control, Chapter 2151 of the Ohio Revised Code should be amended to comply with the ruling of the United States Supreme Court to the effect that: the level of

proof in a finding of delinquency shall be proof beyond all reasonable doubt.

In In Re Winship, 397 U.S. 358 (1970), the Supreme Court held that juveniles are entitled to the utilization of the proof beyond a reasonable doubt standard at the adjudicatory stage of delinquency proceedings, not merely a preponderance of the evidence.

D. While the Task Force has not resolved the debate, there is national dialogue concerning the need to open juvenile courts to the press and public, while still protecting the rights of privacy of the child and family.[12]

The Attorney General should give further study to the debate.

No court of law should be closed to the people. No judge should be permitted to operate behind closed doors. We do not believe that secrecy is proper insurance against the abridgement of due process of law. Still, the concern for the privacy of the child is at issue.

While many Ohio juvenile courts are closed, some are open. And while the Task Force's only statement here is to suggest further study, we acknowledge this important debate and acknowledge our own debate on the issue, without resolution.

AFTERWORD

In Re: Juvenile Traffic Offenders:

The Task Force recommends that juvenile traffic offenders remain within the jurisdiction of juvenile courts. Mass transfer to the adult courts will in fact reduce the options available to the state to deal in a meaningful way with young drivers. We reject recommendations being offered in other states that this transfer is needed to "unclog" our juvenile courts. Rather our juvenile courts must make every effort to see that youthful drivers receive every possible opportunity to correct their habits and avoid tragic highway deaths.

Footnotes--Delinquent and Dangerous Offenders Subcommittee

[1]Members of the Delinquent and Dangerous Offender Subcommittee and staff toured Buckeye Youth Center and Training Institution, Central Ohio (TICO); the Executive Committee and staff toured Fairfield School for Boys; and, staff toured Scioto Village School for Girls and Riverview School for Girls.

[2]See the Report of the Juvenile Justice Standards Project of the American Bar Association, 1976, recommendation on open courts.

[3]At one point in 1976, Ohio Youth Commission institutions with a total capacity of 2,257 housed 2596 children--15% over total capacity. The average population at Fairfield School for Boys 1,000--54% in excess of the total capacity of 650.

[4]"Coming: Tougher Approach to Juvenile Crime," U.S. News and World Report, 6-7-76, pg. 67, col. 2; the costs of operating state juvenile correctional schools.

[5]The Ohio Youth Commission presently has nearly 3,000 institutional beds; in 1975, only 414 juveniles were committed to the state for "dangerous" offenses.

[6]The cost per day in regional treatment centers averages $20 per child per day or $7300 per child per year. Out-patient counselling averages $19 to $24 per unit (hour); an average of one contact per week costs $998 to $1248 per child per year.

[7]"Revolving-Door Juvenile", The Toledo Blade, 4-20-76, pg. 16, paragraph 7.

[8]See "Attorney General's Survey of Ohio's 88 Juvenile Courts: A Statistical Report", Section II, this report.

[9]Ibid.

[10]Clarence M. Kelley, Crime in the United States, 1974 (Uniform Crime Report), U.S. Government Printing Office, Nov. 17, 1975.

[11] Jack E. McCormick, Supt., Bureau of Criminal Identification and Investigation, Office of the Attorney General, London, Ohio.

[12] James Q. Wilson, Thinking About Crime, Basic Books: New York, 1975, Chapter 8, page 180.

ARTICLE V

REPORT FROM THE SUBCOMMITTEE

ON

STATUS OFFENDERS

ARTICLE V

REPORT FROM THE SUBCOMMITTEE

ON

STATUS OFFENDERS

Mr. John Mason, Chairperson

The Honorable William G. Batchelder
Ms. Lee Johnson

Ms. Candace Cohen

Rev. John Frazer

Mr. Martin Lentz
Lt. John Sinko

Ms. Mary Lynne Musgrove

Mr. James D. Sanders

The Honorable Cliff Skeen

The Honorable Walter L. White
Mr. Alan Heuss

The Honorable John G. Hunter (Ex Officio)

Mr. Clifford A. Tyree (Ex Officio)

The Subcommittee met at least monthly from February through July, 1976, at the Academy for Contemporary Problems in Columbus.

The members heard testimony representing diverse views from a long list of groups and individuals at public hearings in Columbus in May.

INTRODUCTION

One of the most talked about topics within the juvenile justice reform movement is that of the "status offender". This is a concern for young persons who have broken rules or laws applicable only to children; thus by the very nature of their juvenile legal status they find themselves in trouble. In Ohio, they are labelled as "unruly" children. (Sec. 2151. 022 O.R.C.) They are not delinquent youth; that is, they have not committed any criminal acts, or acts which would be crimes if committed by adults. Rather, they have problems at home or at school, or with both. Often they are before the court because of school truancy, running away from home, refusing to obey parental guidelines on dress or behavior or sexual activity.

In a majority of the cases, status offenders are the products of broken homes, troubled marriages, parental alcoholism, or physical or mental child abuse and neglect.[1] Frequently they are made to carry the full weight of their family's problems while the law has no way of reaching the troubled parents. In other cases, they have ignored all attempts by parents, schools, and community programs to guide their behavior.

Often we hear of a pattern of progression through the system. Abused children and neglected children may become status offenders and find their way into state institutions or local jails[2].

But the lines are drawn arbitrarily. The law attempts to distinguish one child from the next--the abused, the neglected, the unruly, the delinquent, the dangerous--by what each has done or by what has been done to the child. But we can never really be certain. Each child is unique, with special problems.

Further, each community in Ohio has its own unique set of services for children--its own set of strengths and weaknesses.

Taken together, these two principles may very well mean that no single solution can fit each problem, for each child, and that no single system of services will work in every Ohio community.

Several specific problems have gained the attention of juvenile justice reformers in recent months. One centers around the appropriateness of court intervention into the problems of the status offender and the offender's family. Another has centered around the appropriateness of state juvenile correctional facilities or other "lock-ups" for status offenders.

Our concern is for the services we offer these children, to keep them at home and in school and out of jail and out of state institutions. When all else fails, the court must stand as a last resort with full jurisdiction. But too often we hear that no other services exist. They do. And where they do not, they must. (See Proposal for Community Controlled Juvenile Justice, this report)

Secondly, this Subcommittee has dealt with the controversy about the use of institutions for status offenders.

Again we suggest that each child is an individual and that each Ohio community has a unique set of services available to children. We have called for the prohibition of the use of state institutions in status offender cases. And we have called for the prohibition of the use of county jails in all juvenile cases. We have urged a de-emphasis of old state institutions for most juveniles, coupled with the development of better facilities and genuine child care services for every Ohio county for all children. A careful reading of our report reveals that we have not totally eliminated the prospect of some status offenders ultimately coming before the court or being housed in local juvenile detention and rehabilitation centers, for certain short periods, where in fact no other child care facilities now exist. But we believe a careful reading of the entire Task Force Report provides the overall direction needed to strengthen genuine child care services in all Ohio communities. We believe a good faith effort to realize such a network of regional services could mean that no child need ever be charged by a court as an "unruly" or as a "status offender", but rather can find within his or her hometown the help and guidance needed to solve personal problems and never reach the courts.

We must reassert the boundaries of accountability and responsibility--first at home, then at school, then ~~at all~~ available community services, and then at the court--only as a last resort. Children with problems at home soon become

children with problems at school. Children kicked out or forced out, or frustrated to drop out of our schools, soon become problems for our courts. Passing on the "problem kids" is our failure as adults today and ensures their failure as adults tomorrow.

Therefore, we must provide the best possible foundation for solving home problems at home, and school problems at school, before we invoke the justice system with all its labors and labels. We must provide decent and adequate child care services in every Ohio community for all Ohio children. We must foster a general plan to strengthen all services for children and youth. And to these worthy ends, reform of our juvenile justice system must be viewed as part of a broader concern for the care and training of all our children.

I. We must reduce the instrusion of the State into the lives of children. We must encourage the solution of home problems at home and of school problems at school.

A. Ohio's "unruly child" law must be amended to prevent unnecessary intervention by the courts and encourage families to seek social services for their children's problems.

It has been argued that the existing law is so broad and vague as to be unconstitutional.3 The law is a "catch-all", the means to court intervention for almost all behaviors of which a particular family or particular court may disapprove. The law provides for vast discretion, arbitrary and uneven application. (Sec. 2151.354 O.R.C.)

We believe that much of the language of the law is unnecessary. Few conflicts between children and parents or between children and schools should be brought before the court. Most are better resolved through counseling, alternative learning arrangements and social service agencies, while the jurisdiction of the court must be only a last resort, when all else has been tried.

Therefore, it is recommended that Section 2151.022 of the Ohio Revised Code be substantially revised and reduced to include only a few specific behaviors within the definition of "unruly".

Specifically the statute should be limited to habitual school truancy, habitual home truancy such as running away, and to a reference to those other sections of the code containing specific prohibitions applicable only to children.

B. The juvenile courts must be given in personam jurisdiction over parents to ensure that parents are held accountable for their actions and are encouraged to work in the best interests of the entire family.

It must be recognized that in most status offense cases the problem is not just the child's probl. Therefore the solution is not to be borne out by the child alone but rather by the family. That is the more equitable remedy, and a more effective use of our courts. Thus Chapter 2151 of the Ohio Revised Code and the Juvenile Court Rules must be amended to permit the court to issue affirmative directives to the parents (upon a finding of facts), the violation of such orders being contempt of court, or criminal contempt of court, or a legal presumption of neglect or contributing.

And we must no longer bring the weight of family problems down on the child alone. Parents must account for their contribution to the problem and must account for their role in the solution of the problem. (Sec. 2151.359, Sec. 2151.41, Juv. Rule 34 (D)) Similarly, schools must not be permitted to abdicate their responsibility for the failures of our system of public education.

Some reformers predict that the juvenile courts as we know them will be replaced in the future by "family courts". Perhaps that is so. But that is not our intent here. Our intent is to return the primary responsibility for child-care

to the parent. It is not our intention to give rise to legal action by the child against the parents, but to give way for the court to act in a matter of the family's welfare where it now cannot.

Our families and our schools must not abdicate to the police and to the courts the vital roles of caring for and training our children.

C. We must move to permit the formal legal emancipation and independence of some juveniles in specific cases.

Lowering the age of majority has come about as our young people have matured more quickly, earned the right to full participation in our government, and become a vital force in shaping change. In Ohio, the age of majority in most matters is now 18. Education is compulsory until the age of 18 with work-study arrangements available at earlier ages. We see no need for change in these general guidelines. However, we feel that a small minority of young people, who are mature beyond their years, capable, and responsible, must be permitted emancipation from parental supervision before their 18th year.

We recommend that a petition for legal emancipation be granted by the juvenile courts provided the following criteria can be demonstrated:

*the petitioner is at least 16 years old.

*the court finds emancipation to be in the petitioner's best interests.

*the petitioner can show a proper and lawful plan for adequately providing for his or her own needs and costs of living in a decent environment.

*the petitioner will comply with school attendance or work-study arrangements as agreed upon.

*the court can be assured of maintaining full jurisdiction over the petitioner until his or her 18th year should the legal or personal interests of the petitioner require the protection of the state.

II. The responsibility and accountability of schools must be clarified and reaffirmed. We cannot continue to look to the justice system to remedy the failures of our educational system.

A. We must retain and support compulsory education for our own children. There is no good logic in ridding our courts of school truants by depriving our children of an education. We cannot solve the problem of how the law treats children by removing their opportunity to learn. We cannot address the problems of our juvenile justice system by undermining our system of public education. Sweeping away school truancy by sweeping away mandatory schooling would be an incredible step backwards. That is not our response.

B. We must retain a minimum age requirement for education sufficient to ensure maturity, preparedness for the job market, and readiness for a complex and rapidly changing social environment. (Sec. 3321.01 O.R.C. et seq.) We must not facilitate the exodus of ill-prepared and often illiterate teenagers whose desire to go forth in the world is normal, but whose chance of happiness and success would be minimal. We have a responsibility to them which we are not meeting now in our schools[4]. We must not make it easier for us to give them even less.

C. To these ends, our public school laws must be amended--not to facilitate the release of the "problem kids" but to reaffirm the responsibility of our public school systems to provide basic literacy skills. We must stress anew the basic skills: reading, writing, and basic arithmetical abilities.

D. Even so, after a decade of turmoil and unrest in our schools and universities, no single educational method should be left unquestioned. Nothing works for everyone. Every Ohio school, by now, should offer alternative learning arrangements and counseling for both the exceptionally bright and the extremely deprived. For too long we have lost the extremes of the spectrum, frustrating into failure both the brightest children and the children most in need of help. We must meet our responsibility to all our children, in school, not in jail and not in the unemployment lines. We have a responsibility to provide for the educational needs of the rich and the poor, the bright and the troubled.

E. Schools must be held accountable for the vast numbers of youth expelled or suspended. Schools must stop turning out into the streets those children who need most to be in school--whether in class or in job training. Testimony before the Task Force in public hearings was convincing and moving. We should not continue to unload onto the courts the children we have let slip from the school

rosters. We should retain within the school system the vast diversities of a new generation. We must not simply remove those perceived to be "different".

F. In short, we support a better-managed, more accountable, more diverse system of public education. This is the State's first legitimate line of defense against illiteracy and unemployment among youth. While education will not cure all social ills, it is still our best hope for providing compassionate care and competent training for our children.

NOTE: (We have not addressed the issues of violence in the schools, or the problems of due process and student rights, or the problems of administering discipline in the schools. We have addressed here those problems presented to us as part of the charge to the status offender subcommittee.)

III. We must coordinate and support adequate child-care and youth services in every Ohio community, and encourage their use as an alternative to the juvenile courts, especially in status offense cases. (See Community-Controlled Juvenile Justice, this Report.)

The jurisdiction of the court should be formally invoked only when all community services have failed. Similarly, when the court must act, it must have the support of the total spectrum of social services as alternatives to juvenile institutions.

We must no longer subject truants and runaways to the heavy formal machinery of the justice system, but instead we must confront their problems through a variety of social services outside the courts--in family counseling and in alternative education, in a non-punitive and supportive environment.

Our courts act because other agencies do not. Others do not act because the courts do. It is a vicious cycle that sees more responsibility needlessly placed on our courts as "parent states". We must break the cycle.

We must stop punishing children whose only crime is that they were not loved or guided by their parents and not taught to read and write in their schools. Similarly we must help, not punish, those youth who have simply chosen to ignore their parents and their teachers. They need care and training not available to them from courts, but available only from compassionate individual adult models at home and at school, and at community child-care agencies, including voluntary programs.

A. Each juvenile court in Ohio must have the capacity to first refer status offenders to child-care and social services agencies long before accepting the official filing of the case. (See Court Standardization Proposal, this report).

B. Large metropolitan counties must operate crisis centers twenty-four-hours-a-day as alternatives to the courtroom for status offenders, especially for runaways. Already in Franklin County a model program exists. (See Court Standardization Proposal, this Report.)

C. Elsewhere, regional youth services centers can serve several counties cooperatively, both as an alternative to the court process and as support for the court when necessary. Ohio now has five regional juvenile programs that operate seven facilities. (See Proposal for Community Controlled Juvenile Justice, this report.)

IV. An immediate goal must be to prohibit the use of state juvenile correctional institutions for status offenders and county jails for all juvenile offenders, and to encourage the development and use of decent places of detention and of community youth services agencies.[5]

This subcommittee concurs with our colleagues on the delinquency subcommittee that most young people are best served as close to their own home as possible.

Where status offenders are concerned, we must go further and recommend that almost all incarceration is inappropriate, unnecessary, and harmful.

For too long, and far too often, we have heard that we must use overcrowded state institutions or basements of antiquated county jails to detain or incarcerate juveniles--because, it is argued, no other alternatives exist. Often we hear that we could not afford the financial costs of developing alternatives.

We do not believe these statements to be correct.

For every bed closed down at a large state facility, such as the Fairfield School for Boys, nearly $13,000 can be made available each year, from existing state funds, to provide local services where they may be needed.

In some instances, the per diem costs of community services is much lower than the costs of operating aged physical plants. (See Proposal for Community Controlled Juvenile Justice, this report.)

In some instances, the cost of developing new alternatives is no greater than the time taken by public officials or the

compassion and energy of local residents. For example, one small Ohio county has enlisted more than 40 volunteers to provide foster care and individual attention to youth. Now there are 40 alternatives where before it could have been argued that none existed.

We must not further perpetuate the use of locks and bars for truants and runaways where less money could buy more guidance, counseling, and personal attention for our children, and more efficient and effective approaches to their problems.

A. <u>We must prohibit the use of state juvenile institutions for status offenders, such as truants and runaways</u>. Therefore, we must repeal those portions of Section 2151.354, Ohio Revised Code which now permits the use of such facilities in these cases.

The Attorney General of Ohio, in his 1972 opinion in this regard, urged the removal of status offenders from state institutions.

> "Any construction of Section 2151.354, Ohio Revised Code, that would allow commitment of an 'unruly' child to the legal custody of the Ohio Youth Commission would be a violation of due process of law, and therefore an improper construction." O.A.G. 72-071.

While the number of status offenders in Ohio's state institutions is now small, thousands of such children have been subjected to incarceration over the years in state facilities.[6] Clearly such a response is inappro-

priate where the child is in fact charged with no crime and no delinquent act.

1. We must also prohibit the commitment to state institutions of status offenders who have violated previous court orders or probation conditions, (Sec. 2151.354 O.R.C.; Sec. 2151.355 (D) O.R.C.) but have been charged with no crime or have committed no separate delinquent act. Section 2151.-02(B), Ohio Revised Code, wherein all children in violation of court orders may be held to be "delinquent" must be repealed.

2. We must be sensitive to the history of discrimination in commitments to state institutions which has been inherent in the application of status offender laws. For example, the Report of the Ohio Task Force for the Implementation of the Equal Rights Amendment (ERA), issued in 1975, indicated that 60 per cent of the females in state juvenile institutions in 1974 were status offenders.
In 1974, 15 per cent of the females in one state juvenile facility were pregnant, and had been committed there as "unruly" children, under 2151.02(B), 2151.022, and 2151.35 of the Revised Code.
Although the statistics are in dispute, some arguments are made that those families who can

buy counseling services for their children do so, while those who cannot find their children needlessly committed to state institutions where they are often intermingled with those juveniles who have committed serious crimes. The application of "unruly" child laws can fall heavily on those who can least afford alternatives to the courts, such as the poor and the citizens of our inner-cities.

B. We must prohibit once and for all the use of county jails as detention facilities for children especially in status offender cases where the child has not been charged with the commission of a crime. We must develop decent places of detention and genuine community services.

The Ohio Revised Code, Section 2151.312, already requires the separation of adults and children in jails, as the federal courts have mandated.[7] Yet the code grants permission to detain juveniles not only in juvenile detention facilities but "in any other suitable place." Clearly this language aborts the spirit of the law and must be repealed.

A 1974 report by the Program for the Study of Crime and Delinquency at Ohio State University reported that 56 Ohio counties have no separate juvenile detention facilities apart from designated areas within the county jail.[8] The survey cited blatant violations of juvenile rights in most counties and intentional or unintentional violations of the law regarding the separation of adults and children. Clearly, status offenders, such as school truants or children running from conflicts within their own homes, can now be locked in Ohio's county jails--in the majority of our counties. While such places of

detention are improper for most juveniles, they are sadly lacking as child-care facilities and certainly inappropriate places for young people who have committed no crime at all. The law must be made clear and unequivocal. We do not want to respond to the needs of our children in Ohio by locking them in county jails.

C. For those juveniles who require detention, we must mandate and enforce basic, humane standards of care. In every place where any child may be incarcerated, the existing laws and standards must be enforced.[9]

1. To this end, we recommend that such enforcement powers be granted to the Ohio Attorney General or to the Ohio Youth Commission, or to some appropriate existing agency, to enforce those standards which exist and any new standards which shall exist.

2. Similarly, the law must provide penalties for those local officials who fail to comply. Chapters 2151 and 5139 of the Ohio Revised Code should be amended to reflect these changes.

D. Some additional standards for juvenile detention must be developed to protect all children.

1. A minimum age for detention must be enacted. Now children at any age can be locked in places of deten-

tion, including jails, in Ohio. We recommend a minimum age of 10 years be established for males and females alike. Abuses of younger children have been recorded within the existing law. To lock up pre-school age children in jails and detention facilities is an intolerable act of child abuse by the state, as intolerable of any physical abuse of the child for which we would usually seek to prosecute an adult.

2. We must establish a maximum legal period of confinement for treatment in local facilities were children have been ajudicated and committed to facilities. A particular concern is for those status offenders for whom no ceiling now exists on length of incarceration. If used at all (and when used only as a last resort by the courts, when all pre-court community services have failed) the length of stay in local or regional juvenile facilities must be as short as possible for status offenders. In most cases, such children would receive any available benefits from such treatment within 30 days. Certainly the law must mandate a close review for status offense cases at 30 days.

3. We must totally exclude some children from detention. We would hope that all status offenders would have their problems resolved out of court and would never be in danger of incarceration. But even in those few instances where all else failed and the court is invoked, certain children must nevertheless be excluded by law from any juvenile detention facility. One concern is for adjudicated status offenders who are also physically impaired or mentally ill. Other community services must be provided.

Special attention also must be given to see that female status offenders who are pregnant shall be excluded from detention. (As was cited herein, state facilities have been holding tanks used by parents and courts who fail to seek more appropriate services. In prohibiting the use of such state facilities and county jails for status offenders, we must be certain these children are not inappropriately directed into juvenile detention facilities.)

Certainly status offenders who are pregnant, or those with communicable diseases, or those with uncontrolled epilepsy, are examples of children with special health needs that cannot be met inside a juvenile detention center.

V. Our responsibility to the children of Ohio does not end with this Task Force, nor will an adequate system of childcare in Ohio be built up overnight.

A. We can make important changes in Ohio. But not overnight. We urge the Attorney General to continue his commitment to juvenile justice by assuring the further existence of adequate resources and staff needed to present good sensible legislation to the General Assembly as quickly as possible, and to assist in implementing the recommendations of the Task Force. We are not calling for any new or permanent addition to Ohio's juvenile justice bureaucracy. Rather we ask that, as this state's chief legal counsel, the Attorney General continue to advocate the rights of children and the improvement of child-care and juvenile justice in Ohio.

B. We have attempted to stay within the confines of the charge to the Task Force. We have attempted to suggest ways to reduce waste, increase utility, and ensure the fairness of our system of justice for children. But we have realized that juvenile justice is only part of a larger concern that involves the proper care and training of all children. We have urged the State of Ohio to re-examine and reorganize the massive network of state services for children and youth.

Further we must recommend at least two specific areas

for further investigation. One is the separate juvenile legal problem of abused, neglected, and dependent children, which was not included in the charge to this Task Force. The other is our system of education. While we have suggested certain specific needs in education, we have not attempted a thorough study of that system. But the people of Ohio should consider the need for a thorough review of our system of public education by an objective study group from outside the school administration process. The school is the institution that affects children most, except for popular mass media. And schools are the public institutions that can serve children best. The improvement of that system demands our attention.

C. Lastly we add two points. One concern has been due process of law. We wish to state our conviction that the best interests of all people are served by the assurance of the fullest extension of due process of law to children at all stages of the entire juvenile justice process. Secondly, we have been concerned with expungement of juvenile court records, especially for status offenders who have been charged with no crime. We support pending legislation (Sub. H.B. 586) which we find to be a comprehensive and badly needed revision of the law as it pertains to the use and misuse of juvenile records. We urge the General Assembly to support and enact such legislation as quickly as possible.

AFTERWORD

In re: The Juvenile Justice and Delinquency Prevention Act of 1974

The administration of the 1974 Federal Act has been delegated by Congress to the United States Department of Justice, Law Enforcement Assistance Administration (LEAA) and the Department of Health, Education and Welfare (HEW).

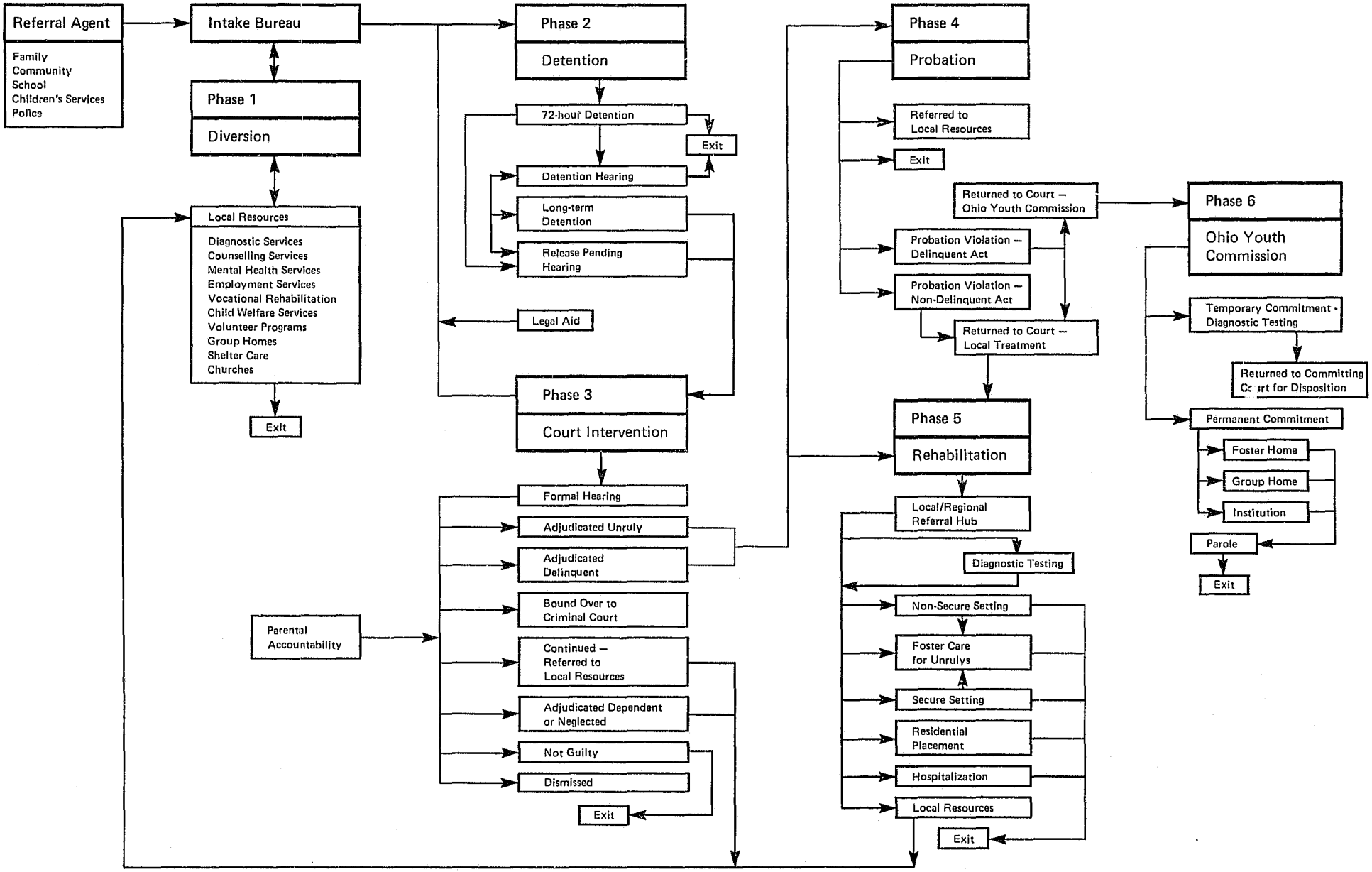
Each state, through the governor of the state, is charged with the administration of federal funds provided by the Act. In Ohio, the administration of such funds will be overseen by the Ohio Juvenile Justice Advisory Committee appointed by the governor, in compliance with the LEAA regulations.

This Task Force supports the spirit of the Act which encourages better community child care as an alternative to State institutions. The Attorney General of Ohio, in 1975, urged the Governor to comply with certain provisions of the law within the recommended two year period.

But, compliance with the Act is not mandatory; it is voluntary, but necessary for the acquisition of subsequent federal funds.

We have two observations:

1. The language of the Act is non-specific, unclear, and problematical.
2. The Congress has not appropriated funds adequate to pay for the kinds of changes demanded by the Act.


Referral Agent
Family
Community
School
Children's Services
Police
Intake Bureau
Phase 1
Diversion
Local Resources
Diagnostic Services
Counselling Services
Mental Health Services
Employment Services
Vocational Rehabilitation
Child Welfare Services
Volunteer Programs
Group Homes
Shelter Care
Churches
Exit
Parental Accountability
Phase 2
Detention
72-hour Detention
Exit
Detention Hearing
Long-term Detention
Release Pending Hearing
Legal Aid
Phase 3
Court Intervention
Formal Hearing
Adjudicated Unruly
Adjudicated Delinquent
Bound Over to Criminal Court
Continued — Referred to Local Resources
Adjudicated Dependent or Neglected
Not Guilty
Dismissed
Exit
Phase 4
Probation
Referred to Local Resources
Exit
Returned to Court — Ohio Youth Commission
Probation Violation — Delinquent Act
Probation Violation — Non-Delinquent Act
Returned to Court — Local Treatment
Phase 5
Rehabilitation
Local/Regional Referral Hub
Diagnostic Testing
Non-Secure Setting
Foster Care for Unrulys
Secure Setting
Residential Placement
Hospitalization
Local Resources
Exit
Phase 6
Ohio Youth Commission
Temporary Commitment - Diagnostic Testing
Returned to Committing Court for Disposition
Permanent Commitment
Foster Home
Group Home
Institution
Parole
Exit

These considerations, when taken together, render the Act ineffectual in the improvement of juvenile justice in Ohio. The next Congress must appropriate a decent level of funding in order to make the Act worthwhile.

The kinds of changes we have urged are those we feel are best for Ohio now. We have not been concerned with compliance with the Act. We have been concerned with what is best for the children of Ohio. To the extent the federal government provides the resources to assist us, we support the Act. To the extent the federal government fails to provide the resources yet attempts to regulate child care and juvenile justice (which are primarily state and local matters) compliance with the Act should not be a major concern for Ohio.

Footnotes--Status Offenders Subcommittee

[1] 1975 Juvenile Offender Profile--A Study of the Juvenile Offender in Lucas County (For all offenders family divorce rate is 34%; for unruly 53.1%. For all offenders, broken home 58.8%; for unruly 66.7%. For all offenders, single parent home 25.8%; for unruly 32.2%.

[2] Annual Report, 1975, Office of Data Processing, Ohio Youth Commission; James J. Grandfield et al., Ohio Juvenile Detention Survey, The Ohio State University, 1975.

[3] Sec. 10.2, Ohio Family Law: Juvenile Court Practice and Procedure; Young and Carr, at 201.

[4] "A Drive to Make High School Diplomas Mean Something," U.S. News and World Report, 6-21-76, pp. 47-48.

[5] Grandfield, et al., Ohio Juvenile Detention Survey, The Ohio State University, 1975.

[6] 1975 Annual Statistical Report, Ohio Youth Commission.

[7] See Swansey v. Elrod 386 F. Supp. 1138; White v. Reid 125 F. Supp. 647 (D.D.C. 1954); Stinnett v. Henstrom 178 F. Supp. 17 (D. Conn. 1959): See especially Daniels v. Barton, Case #70-013 (ND Ohio E) See also State v. Fisher 17 O App (2d) 183, 245 NE2d 358 (1969) Contra Cf. dn Re Tsesmilles 24 O App 2d 276, 248 NE2d 620 (1969) Rev'd on other Grounds 20 OS 2d 142

[8] Grandfield, et al., Ohio Juvenile Detention Survey, The Ohio State University, 1975.

[9] See Section 2151.30 O.R.C.; Juv R 7; Section 2151.311 O.R.C.; Sections 2151.312.34 O.R.C.; ex parte Karnes 121 NE2d 156; and Report, this report.

STATUS OFFENDER SUBCOMMITTEE

CONCURRING REPORT

Rep. William Batchelder
Lee Johnson, Legislative Aide

Rep. Batchelder concurs with the Report but asks that two concerns be mentioned: One is the issue of cost. How soon would monies be available to assist rural counties in developing more alternatives to county jails and state institutions? Another issue is time for program development. How soon could the kinds of proposals made here be implemented for use?

Further, Rep. Batchelder submits the following:

Under section II which concerns the educational system, we would like to mention the success of an alternative school in Wadsworth. The school, which takes students from the eighth to the twelfth grades, educates students who have been expelled from the regular classroom. The school is not supposed to provide a continuous educational experience for the child; but encourages them to continue with their schooling, hopefully, and effects a positive attitudinal change in the student. The school was begun in January, 1976.

MINORITY REPORT

CLEVELAND HEIGHTS - UNIVERSITY HEIGHTS

YOUTH SERVICES BUREAU

2983 Mayfield Road
Cleveland Heights, Ohio 44118

According to Article VI relevant to "Report from the Subcommittee on Status Offenders," the following minority report is offered for consideration.

In Section I(A) of Article VI, it has been proposed that Section 2151.02.2 of the Ohio Revised Code be amended to essentially preclude "unnecessary" intervention by juvenile courts and advances the premise that social services be utilized for the child's and family's problem areas. In this vein, "counseling" is proposed as an alternative measure - in lieu of court intervention - to resolve serious conflicts between children and parents/schools. The main thrust of this particular section advances that Section 2151.02.2 be revised and reduced to include only a "few" specific behaviors under the definition of "unruly," (i.e., "habitual" school truancy, "habitual" running away, etc). Basically, the key term here appears to be "habitual." In essence, the juvenile has to consistently evidence untoward behavior to legally be defined as "unruly" and come to the formal attention of the juvenile court. The difficulty with this premise is that it permits

the juvenile too much leeway to engage in "unruly" behavior within the confines of counseling - a non-prosecutory system to bring about a desired change of behavior. Counseling - as a process - entails no means to exact adverse pressure on the juvenile to bring about a significantly desired change of behavior. The counselor has no legal provision to engender negative reinforcement - along with supportive assistance - to bring about desired results in behavior during the counseling process. Indeed, after a period of counseling, it may be determined that a youth could benefit by a "treatment focused" institution or group home placement and appropriate referrals implemented. However, there is no means during the counseling process to implement situational or behavior hardships on the juvenile to correct highly resistive clients. Basically, there is no "legal leverage" the counselor can employ to realistically deal with the "I don' give a damn" client or family. Although Section I(C) does entail accountability on the part of parents through court action - there are far too many situations where one deals with a totally resistant, anti-social youth within the context of a stable, co-operative family unit. Does this type of family have to suffer continual anguish through "habitual" truancy, "habitual" runaways, etc. before the legal weight of the court is brought to bear upon the youth? We must bear in mind that there are some juveniles who do require "corrective" placement and

early court intervention. Indeed, a stable, co-operative and supportive parent or parents may actually request this measure be taken. If we are saying, as spelled out in Section I(B), that juveniles are maturing at an earlier age; we are also logically assuming that they are more socially sophisticated relevant to manipulating situations and individuals. Thus the term "street wise." This type of youth may "play the game of counseling" to the hilt to his own benefit without significant attitudinal or behavioral change, knowing full well no prosecutory action will be taken unless he "habitually" misbehaves. Also, if this type of juvenile is referred for "treatment focused" placement; the thrust would of necessity be on "therapy" - an extension of counseling in a different living situation. This type of youth can merely extend "playing the game" in a more beneficial environment with most of his needs (food, clothing, etc.) taken care of in a residential placement without fear of hardship. The key words are "fear of hardship" and of course would apply to specific types of juveniles as spelled out previously. The fear of hardship does not, of necessity, have to be engendered after a period of habitual/consistent unruliness.

My proposal would be to modify Section 2151.02.2 of the Ohio Revised Code to include provisions for "informal" court intervention during the counseling process to provide adjunctive, "adversive" support to the counseling process in those

situations where this measure would be deemed appropriate - mainly where variable and viable counseling approaches have met with negative results. Indeed, we may advance that court intervention at the counseling point of "negative results" could have "therapeutic" results. This process would obviously call for a very close working relationship with the court and would serve the purpose of using every alternative - positive and negative - to work with the juvenile and his family in the community. It would also serve the purpose of providing ample justification for any subsequent referral for residential placement outside the home and community. To preclude the use of the court as a "therapeutic" tool and a form of "leverage" in the counseling process puts a tremendous amount of pressure on social services to obtain desired results. It also "fixes" or "locks in" an agency or bureau into one modality. In essence, there must be some type of <u>adversive alternative</u> as part and parcel of the process of counseling. I am suggesting some "arrangement" be made with the juvenile courts and its' appropriate personnel to effect this alternative during the process of counseling where the best interests of an agency/bureau, juvenile and family would be served prior to recommendation for residential placement outside the home and community. To merely advance that the court be employed after a period of habitual unruly behavior is ex post facto reasoning which opposes the idea that <u>every</u> alternative be

employed in the preventative aspect of community counseling endeavors. What we must propose is that the courts and agencies are not exclusive during the process of counseling relevant to status offenders but rather that a very close working relationship ensue to somehow employ the adversity of the court as a "therapeutic" tool in "negative results" cases in the course of counseling.

Walter D. Dychko
Lt. John M. Sinko

7-29-76

APPENDIX I

REPORT FROM THE EXECUTIVE COMMITTEE OF THE JUVENILE JUSTICE TASK FORCE:

THE FAIRFIELD SCHOOL FOR BOYS

APPENDIX I

REPORT FROM THE EXECUTIVE COMMITTEE OF THE JUVENILE JUSTICE TASK FORCE

FAIRFIELD SCHOOL FOR BOYS

The Honorable John G. Hunter, Chairperson

Clifford A. Tyree, Vice-Chairperson

John Mason, Chairperson, Subcommittee on Status Offenders

Sister Lois Zettler, Chairperson, Subcommittee on Delinquent and Dangerous Offenders

On July 7, 1976, the Executive Committee toured the facilities of the Fairfield School for Boys in Lancaster, Ohio and took testimony from various inmates and staff. The Executive Committee was accompanied by various members of the Task Force and by the Task Force staff. Assistant Attorney General Curtis reports as follows:

A. Facilities:

1. Fairfield School for Boys (FBS) is located in Fairfield County, approximately forty miles southeast of Columbus. Fairfield was established approximately one hundred and twenty years ago as one of the first village-like juvenile training schools and has been so used ever since. The institution is located on sixteen hundred acres but utilizes only about two hundred and fifty

acres for the institution itself. The institution's facilities consist of approximately seventy buildings spread along the crest of a hill. The institution is not enclosed by any form of wall or fence. Security is maintained by extreme regimentation of the movement of the inmates.

Inmates are housed in thirteen three-story dormitory buildings, housing approximately eighty boys each. The top floor of the building consists of one large room totally filled by bunk beds. The beds are arranged in long rows with only enough space between them to allow access. The only entrance to the top floor is through the night guard's cage which is constructed of thick wire fencing with a locked wire door. The walls of the dormitory are painted a drab green. The floors are bare and considerably worn. The ceilings are discolored in some places with evidence of a history of leaking roofs.

The main floor of the building is devoted to a day room. Recreational facilities varied from dormitory to dormitory but in one, Harmon B, they consisted of a television, a record player, a pool table, and tables and chairs.

The basement houses a locker room and toilet facilities. The locker room in Harmon B was dimly lit and furnished with small lockers around its perimeter and long rows of wooden benches in the middle of the room. A television was located on top

of one section of the lockers. Lavatory facilities occupy the other half of the basement and consist of a number of shower heads protruding from the wall, a large circular wash basin and a number of toilets all arranged in one large room. The commodes were patricularly noteworthy for their lack of even minimal partitioning.

The residential building contained no food service facilities, rather, all feeding of inmates is accomplished at a centralized kitchen and dining room. There is a revolving feeding arrangement which requires each housing unit to assemble its inmates and march to the dining hall at a specific time. Inmates go throught the cafeteria-style serving line. The kitchen facilities are antiquated, poor lit and made up of the cast-off equipment of other state facilities. (We were informed that a serious vermin problem is kept under control by the extensive use of the services of a local exterminator sometimes requiring as many as three trips to the kitchen each week.)

2. The committee finds that the residential facilities and food service facilities at FSB fall below standards of humane treatment. The committee finds that the residential facilities at FSB were built over one hundred years ago and that their design, although perhaps consistent with acceptable standards at the time of their construction, is, in the light of

CONTINUED

1 OF 3

modern standards, totally inconsistent with psychological treatment. The committee further finds that these buildings have suffered from the extraordinary wear and tear that a century of use by children could be expected to cause.

The committee also finds that the food preparation areas, likewise, suffer from age. The committee finds that the age of the kitchen facilities precludes the possibility that minimum health standards could be complied with.

The committee finds that outside recreational facilities are inadequate for the average FSB population of 1,000. The committee further finds that even these meager facilities are not used to their full potential.

The committee also finds that the indoor recreational facilities in each housing unit, as set out above, are inadequate for more than a small percentage of the population of 90 boys, and are not used to their potential.

The committee finds that the under use of recreational facilities at the Fairfield School for Boys is some extent attributable to overcrowding at the institution. It is irrational for the state to expect such overburdened staff persons to interact constructively with their charges and at the same time to be responsible for controlling the behavior of all the boys under their care.

B. Treatment

1. Treatment at Fairfield consists of a behavior modification design revolving around a daily point system. The average five months stay at Fairfield School for Boys is broken down in to four "zones", approximately one month each. Release from Fairfield is predicated on successful completion of each of the four zones. Upon the completion of the zone, an inmate is promoted to the next higher zone and so on throughout four zones culminating in release. Inmates are promoted from zone to zone on the basis of having successfully earned a certain percentage of the maximum number of points available over an extended period of time. Conceptually, each student earns his 12 points per day by proper behavior. However, since, "proper behavior" has evidently no meaning other than obedience of the orders of staff, students receive their points so long as they have not incurred the wrath of a member of the staff by some form of misbehavior. Thus, it would appear that points cannot actually be earned, but are rather subject to loss for misbehavior. This distinction is relevant only insofar as it belies the assertion that the zone system is a behavior modification method based upon positive reinforcement; rather it utilizes negati e reinforcement.

2. The committee finds that the total lack of articulated

individualized behavior standards renders the professional acceptability of the point system problematic at best. The committee further finds that the point system as operated at the Fairfield School for Boys is generally held in contempt by the youth at FSB. The committee finds that this contempt is a result of the arbitrary pattern of granting or withholding points. The committee finds that this arbitrary pattern is the result of inadequate staff training, the size of the institutuion, and resistance to the abandonment of corporal punishment by certain members of the staff. In testimony, the committee heard of a number of disturbing instances when points were withheld from children for extraordinarily minor offenses. Such disproportionate application of the point system raises a substantial question under Wolff v. McDonnell, 418 U.S. 539 of the constitutionality of the point system as it is presently constituted at FBS.

A major fault in the operation of the zone system is that it allows for the release of individuals on the basis of their ability to avoid confrontation with staff.

Individualized treatment is, in theory, provided to the children by 32 social workers. No universal system of social work contact exists for all students. Rather, the burden of establishing social work contact is placed upon the children who can obtain such contact by either requesting an appointment or by misbehaving.

The committee finds that this lack of an organized program results in haphazard and episodic treatment.

The committee further finds that the efficacy of social work contacts is serverly limited by the isolation of Fairfield from the home enviroment of the children it seek to serve. Clearly, little meaningful social work can be done without the ability to interact with the parents of the children involved. However, all too often these parents are hundreds of miles away in Ohio's metropolitan areas.

Fairfield's isolation may be disadvantageous for other reasons as well. Recent social work studies indicate that isolation from a delinquent's normal environment does not permit him to learn to deal with the problems he will face on the street after his release from such a rural facility.

Although it is entirely possible that a child may spend his entire stay at Fairfield School for Boys without ever coming in contact with a social worker, each child does, of necessity, come in contact with a staff personnel assigned to each residence. These "cottage parents" are charged with the operation of the point system, general supervision and care of the children, and other general parental functions. The committee finds virtually no positive interaction between the

children and such staff persons. The committee finds no treatment, other than the questionable benefits of the point system, is provided by these staff personnel.

The committee finds that the lack of treatment benefits provided by these staff personnel is directly attributable to the lack of pre-service and in-service training.

It is likely that this breakdown in treatment of in interaction is a result of two outstanding factors. The first is the overcrowded nature of the Fairfield School for Boys. The Ohio Youth Commission has no control over the number of persons committed to it by the courts of Ohio's eighty-eight counties. In a commendable effort to provide adequate services for the greatest number of childred possible, the Ohio Youth Commission has placed a ceiling on the total population of its other institutions apart from Fairfield. As a result of this system, Fairfield is forced to operate at one hundred fifty to two hundred percent of its maximum capacity. As a result of this overcrowding only two men are assigned to approximately eighty youth. The committee finds that this disproportionate ratio of staff to children has resulted in the development of a fearful and hostile attitude among the non-administrative staff towards their charges.

A second and perhaps more important factor contributing

to this pervasive atmosphere of hostility is the vast difference between the percentage of blacks among the youth and the percentage of blacks on the staff. At any given time the percentage of black students at Fairfield can be expected to be slightly less than fifty percent. Of a staff totalling approximately four hundred persons, various estimates place the number of black staff members at less than ten to a mixiumum estimate of twenty-five. (It should be noted that not all these black staff members were engaged in occupations that would bring them in contact with the youth.) The lack of black role models for the black youth forces these already troubled adolescents to function in an all-too-often totally alien culture. The committee finds that the lack of black staff is a significant impediment to any real treatment program that might exist.

The atmosphere of tension and hostility as set out above is allowed to fester in a fertile climate. For the greatest percentage of time at the Fairfield School for Boys, children have nothing to do. The vocational education and academic programs appear to be inadequate for even a population no larger than Fairfield's supposed capacity. The constant overcrowding at Fairfield School for Boys renders access to these already inadequate programs improbable and, even if a youngster can be admitted to an appropriate vocational or academic program, the overcrowding has forced the

administration to shorten normal training periods so that more shifts of boys can be, at least nominally, exposed to the program.

C. Forms of Punishment at FSB:

1. The only sanctioned form of punishment at the Fairfield School for Boys is the withholding of points in accord with the behavioral modification program. However, the committee finds that other forms of punishment are consistently utilized by members of the non-administrative staff.

The most pervasive form of punishment is "The Silence". The silence can be imposed upon entire dormitory units for extended periods of time as a punishment for unsatisfactory behavior as a group or it may be imposed upon individual children. While the silence is operative, children are not allowed to converse with each other or make any noise whatsoever. The committee heard reports that the silence had been imposed for weeks and even months at a time, although, during such long term impositions, children are occasionally permitted to speak during their meals or for a half hour in the evening.

In a more individualized form of informal punishment imposed by dormitory staff persons is "Standing on Line". Here youth have been required to stand at attention for up to eight hours a day, for periods of a day or more, according to testimony to the committee. Certain modifications of this punishment are also utilized. Children are sometimes required

to stand or lean at attention with their noses touching a locker, or in some other bizarre poster. The committee heard reports of children being required to stand on line for longer than two weeks.

The committee heard reports of the abuse of the "Adjustment Center", which is attached to the hospital building. The adjustment center is a maximum security building of relatively modern construction, containing four, four-person cells and a number of single cells. Official policy at Fairfield limits the holding of boys in the adjustment center to two types: (1) boys who are awaiting transfer to other more specialized youth commission facilities, and who are so dangerous that they require close observation are held for extended periods of time until their transfer can be accomplished; and (2) boys who are not in the process of being transfered but held in the adjustment center if the duty officer or the superintendent has determined that the child has lost control of himself or is violently striking out at those around him. The committee heard reports that the latter class of individuals is often held at the adjustment center for periods well in excess of the officially condoned twenty-four hours. During the period of confinement at the the adjustment center official policy requires that children be visited periodically by a social worker. The committee finds that no such visits occur, as of the time of the committee's inspection.

Confinement of children at the adjustment center in a condition of imprisonment substantially more secure then in the ordinary population without a due process hearing would appear to be unconstitutional.

The committee heard reports that misbehaving children are often physically assaulted by staff members. Such assaults reportedly range in intensity, but have included premediated beatings. Such abuse is often not reported to the administration, the committee was told. The committee is aware that, until recently, official policy sanctioned physical abuse of children, including whipping. The administration has forbidden this, however, not all staff have accepted wholeheartedly the prohibition.

D. Conclusions

At a nearly $15 million price tag every two years, Ohioans waste valuable and scarce resources to perpetuate a nationally infamous disgrace.

Fairfield is too old, too expensive, too large, too crowded, and too far away from the urban homes of its residents. Over the years Fairfield has seen racial strife and staff inbreeding, with unsafe and unhealthy physical conditions.

Some dedicated and tireless staff slave away at Fairfield to achieve the impossible. Few positive results can come of Fairfield as it is today--much as it was a century ago. It is a wasteful and ineffectual use of tax dollars and human energies.

It is a revolving door that punishes some, helps very few, and indeed produces some youth more likely to be criminals as a result of their time there. It fails to protect the public or to help the youth sent there. It is a time-bomb which eventually must be dismantled, piece by piece.

E. Recommendations

Fairfield should be closed, and for the most part it should be razed.

F. Additional Comment by Mr. Mason

Although denied by the Administration, testimony given to the committee alleged widespread physical abuse, illegal drug abuse, and homosexuality to be the normal state of affairs at Fairfield.

Lastly, if all other allegations fail, the public must be advised that a serious and obvious hazard is presented to the life of any youth incarcerated at Fairfield, by virtue of the danger of fire. Old, crowded, overheated, third-floor sleeping areas, with locked fire escape doors that frequently do not open, present a genuine nick of tragedy and the potential loss of dozens of lives should fire occur.

APPENDIX II

STAFF NOTE: THE RIGHT TO TREATMENT DOCTRINE

STAFF NOTE: THE RIGHT TO TREATMENT DOCTRINE

The findings of the Executive Committee raise substantial questions as to the constitutionality of the incarceration of juveniles at Fairfield School for Boys as it is presently operated. Federal courts have addressed the constitutionality of the imprisonment of juveniles in institutions in other states that are analogous to the Fairfield School for Boys. In the majority of these cases, the courts have come to the conclusion that imprisonment in such institutions is unconstitutional. These decisions have been variously based upon Eighth Amendment considerations and upon the right to treatment.

The constitutional right to treatment as discussed in juvenile and mental health cases has engendered substantial debate within the legal and medical communities.

Although the Supreme Court has not adopted the right to treatment doctrine it has laid the groundwork for an increasingly broader base of rights for juveniles beginning with In re Gault, 387 U.S. 1, 87 Sup. Ct. 1428, 18 L.Ed.2d 527 (1967), and with Kent v. United States, 383 U.S. 541, 86 Sup. Ct. 1045, 16 L.Ed.2d 84 (1966).

In Kent, the court stated:

> "There is evidence that. . . the child receives the worst of both worlds; that he gets neither the protections accorded to adults nor the solicitous care and regenerative treatment postulated for children. Kent v. United States, 383 U.S. at 555.

It may therefore be useful to consider the conditions at the Fairfield School for Boys in light of the conditions found to exist in cases involving analogous institutions in other states.

Morales v. Turman, 383 F. Supp. 53, 364 F. Supp. 166, 326 F. Supp. 677, F.2d , 19 Cr. L. 2389 (1976) is a civil rights action challenging the conditions at a number of institutions operated by the Texas Youth Counsel.[1] Nelson v. Heyne, 491 F.2d 352 (7th Cir. 1974) is a civil rights action challenging the conditions at the Indiana Boys School.[2] The conditions found to exist in Morales were generally worse than those found to exist at Fairfield. The conditions in Nelson, however, were substantially better than those existing at Fairfield, yet both cases held that the conditions in these institutions constituted cruel and unusual punishment. The courts also found the conditions violated the juveniles right to treatment.

In Morales the court addressed itself to a number of conditions (which still exist at Fairfield) and found that each constituted a separate violation of the Eighth Amendment. At Fairfield some degree of physical abuse of juveniles is alleged. The Morales court held that any beatings, slapping, kicking, or other physical abuse of juveniles in the absence of any exigent circumstances such as an assault on another constituted a violation of the Eighth Amendment.

Beatings also occurred at the Indiana Boys School, but in Indiana the beatings were institutionalized. The number of blows struck and the manner in which they were struck were limited and the beatings were required to be witnessed by two staff members. The Nelson court held that the Indiana beatings constituted cruel and unusual punishment on the grounds that they were unnecessary, citing Ferman v. Georgia, 498 U.S. 238 (1971). Insofar as beatings are officially forbidden at Fairfield there can be no doubt that they are unnecessary.

The studied inability of the Texas Youth Counsel to prevent beatings was held to be sufficient to constitute state action and therefore bring them within the abiance of the Eighth Amendment as applied to the states through the Fourteenth.

A similar situation exists at Fairfield. The Executive Committee found that Fairfield is operated so as to discourage the reporting of beatings. Such action could satisfy the state action requirement of the Fourteenth Amendment, thereby placing the responsibility for the beatings as much on the state as if beatings at Fairfield were condoned officially as they were in Indiana.

The Morales court also found that solitary confinement in the absence of any legislative or administrative limitation on the duration of the confinement constituted an Eighth Amendment violation. The Executive Committee found that, although administrative limitations are placed on solitary confinement at Fairfield, they were largely ignored. As in the case of the

beatings, the mere promulgation of a policy officially disapproving a practice is not constitutionally sufficient. Fairfield's failure to enforce solitary confinement regulations could constitute an Eighth Amendment violation.

One of the overwhelming facts of life at Fairfield was the imposition of "The Silence." The Morales court found that "the requirements that inmates maintain silence during periods of the day merely for the purposes of punishment" constitute a violation of the Eighth Amendment.

The Morales court also found that the confinement of inmates under circumstances giving rise to a high probability of physical injury, could constitute a violation of the Eighth Amendment. The court found that the housing practices of the Texas institutions did meet that test and were unconstitutional under the Eighth Amendment. These housing practices were identical to the situation found to exist at Fairfield, with one important exception. The Texas court found:

> "Two practices fall in this category of Eighth Amendment violations. The first is the practice of housing up to 40 boys in an open dormitory where the only correctional officer on duty is locked in a 'cage' and prevented from assisting boys in an emergency. This 'cage man' is confined to a small area, elevated above the dormitory and separated from the two areas of the dormitory by wire mesh. He must call by telephone to other correctional officers outside the dormitory for assistance in times of stress."

The only significant difference between the situation as described in the Texas institutions and the situations at the Fairfield School for Boys is that the Fairfield dormitories hold twice the number of boys as those in Texas.

A second practice found to be unconstitutional in Texas and which exists at Fairfield was:

> "The failure to administer proper psychological testing or other screening procedures to eliminate potential staff members unqualified to treat juvenile offenders."

The executive committee found that no tests used to identify such potential employees used at Fairfield.

On the basis of the right to treatment both the Morales and Nelson courts found that neither the Texas nor Indiana system provided adequate treatment. The Texas court fashioned minimally acceptable standards for treatment programs. (That order is far too detailed to be set out here, however, it is sufficient to state that the program as presently exists at Fairfield falls far short of the standards established by the Morales order.) In Nelson the court held that the program of the Indiana School for Boys, which is nearly identical to that at Fairfield, did not constitute adequate treatment.

The Indiana Boys School's program involved the utilization of the Quay classification system. At Fairfield the "I"-level classification system is employed. Although the "I"-level

classification system purports to identify more classes of personality types than does the Quay system, both are utilized in the same manner. Students are assigned to dormitory units on the basis of their classification in both systems. In Indiana the dormitory staff theoretically would work out an individualized agreement for improved behavior with a student. At Fairfield, the zone system purports to achieve the same result. In Nelson, the court held that this system fell short of providing adequate treatment. Thus, even if the zone system functioned as it purports to (which the executive committee found it did not) it would be inadequate as a treatment program.

In Morales, the court ordered that formal individualized treatment plans be developed based on adequate diagnostic procedures; that numerically sufficient well-trained staff be provided to carry out the treatment plan; and that a good faith effort in fact be made to carry out that plan. In addition to these three elements of treatment, the court attempted to establish a general therapeutic environment in the Texas system.

On the basis of an examination of Morales and Nelson, and bearing in mind the standards established for mental health facilities in other right to treatment cases, there is great probability that a right to treatment or Eighth Amendment action brought against Fairfield could succeed.

It is no secret that a number of law reform organizations and individual attorneys throughout Ohio are investigating the possibility of bringing such an action. It is probable that such an action will be filed within the year, if immediate steps are not taken by the Youth Commission to correct the conditions at Fairfield.

The question is no longer whether or not Fairfield School for Boys is in need of reform, the question is simply whether or not that reform will come as a result of the action of the elected and appointed officials of the State of Ohio, or as a result of the orders of the federal district court.

Footnotes: Right to Treatment

[1] The Fifth Circuit Court of Appeals has reversed and remanded Morales v. Turman on the grounds that a challenge to a statewide practice necessitates a three-judge federal district court. Nevertheless, we believe that the findings of facts and the remedies constructed by the court are instructive in analyzing the constitutionality of practices at Fairfield.

[2] See "Constitutional Law: Institutionalized Juveniles Have a Right to Rehabilitative Treatment," 4 Capital L. Rev. 85 (1975).

APPENDIX III

A PROPOSAL FOR COMMUNITY-CONTROLLED JUVENILE JUSTICE IN OHIO: THE REGIONAL MODEL

By

John H. Mason

A. Introduction

One of the most frequently heard attacks upon our existing system of juvenile justice has been a criticism of the overall failure of state-operated juvenile correctional institutions.

State-operated institutions, in many states, have been attacked as archaic, wasteful, ineffectual, inhumane, and nearly useless--useless to the offender, to the victims of crime, and to the public safety.

This Task Force has singled out specific examples in this state, and recommendations for redress have been put forth.

But, Ohio will always have some state institutions--or at least for the foreseeable future. And the Task Force has not suggested otherwise. We have suggested that dangerous or violent juvenile offenders should be incarcerated, and that Youth Commission facilities should serve that need adequately. Nevertheless, we have said that most youth deserve the best possible variety of services, as close to home as possible, for their care and guidance, and for their training and education.

Ohio desperately lacks a balanced program of decent youth services in the vast majority of its 88 counties.

This proposal, which grew out of personal experience and tested model programs, is put forth as a direction for the future of juvenile justice and child care in Ohio. It is an attempt to demonstrate at least one conceptual model of an interrelated set of services and alternatives that could help

to reduce the necessity of juvenile court intervention and to reduce the outdated reliance upon state institutions.

It is possible to design a Regional Model, that coordinates the now fragmented elements of our diverse network of youth services, especially for Ohio's non-metropolitan counties.

A key to the success of such a program is the de-emphasis of wasteful state institutions and the return of tax dollars to our counties and cities to subsidize alternatives for the vast majority of juvenile offenders--outside of institutions and near their own homes.

B. A Regional Services Model

It is difficult to design a system which will work unilaterally in Ohio. We have such a wide range of demographic and economic conditions within the state such that what works in one geographic area may be a total failure in other areas. The system proposed here is a system of state and local cooperation in both service and fiscal responsibilities. In the majority of the state such cooperation can best be accomplished through the development of regional programs. This development will reduce the total cost of services to local governments.

Ideally, a regionally-tailored model should work to maximize resources in the varied local settings which exist in Ohio.

Essentially the model suggests re-emphasizing some stages of the existing juvenile justice system at the local level, and de-emphasizing other components of the traditional system at the state level.

The ultimate goals are to enhance decent child care in all Ohio communities, minimize contact with the formal machinery of the juvenile courts and juvenile correctional systems, and reduce unnecessary incarceration.

The components of the juvenile justice process within this model are as follows:

1. Intake (and Diversion)
2. Detention

3. Court Intervention

4. Probation

5. Local treatment (facilities and programs)

6. Commitment to state institutions

The regional model (diagram attached) proposed here merely stresses two phases of the process (diversion and local treatment) and minimizes contact with two other components (the court and state institutions).

Diversion is a more recent addition to the system, but is not new. Techniques to route first offenders and status offenders around the court process are being employed in many areas. Notably, a special program in Franklin County (Columbus) stresses non-court channels to bring non-criminal offenders (such as truants and runaways) together with a variety of local community youth guidance services.

Thus, the first key to community-based youth services is diversion around the formal court process to non-court services. Most Ohio juvenile courts support the concept, the rules of juvenile procedure permit it, and it is a much heralded device of the last decade. Still, diversion is not appropriate unless there is something or someone to divert to. The enormous waste of state resources on operating large, old institutions continues to stand in the way of adequate subsidies to assist courts and communities in developing meaningful programs to support the diversion concept.

The second major thrust of the model proposed here is the emphasis on the vast spectrum of youth services that should be available in every community--to provide meaningful probation services, and decent, humane, places of detention, and effective treatment programs--all within the community or as near to the community as possible.

Again, the key is the extent to which the state will reduce expenditures on state facilities and assist finally in the development of adequate probation staffs, decent regional or county detention and treatment facilities, innovative community services and recreational and vocational programs--in every corner of Ohio--outside the walls of old state institutions.

Some 56 Ohio counties still rely on county jails to house juveniles; most courts have few if any real local treatment services to which to turn; and most rely on commitments to state institutions because they have to, not because they want to.

The list proposed (see diagram) is not intended to be exhaustive. With federal and state and local cooperation, with public and private enterprises, each Ohio community should be able to look toward a wide range of innovative youth services--labor supported and industry supported job training and placement, alternative school environments, community volunteer efforts to put youth to work cleaning up Ohio, and a wide range of drug counselling and mental health services, and positive, affirmative community youth services--as alternatives to overcrowded, costly ineffectual state institutions.

C. Conclusions

Total deinstitutionalization of all juvenile offenders would not be practical in Ohio. But a massive shift away from state facilities, and a major effort to reallocate existing resources back into community alternatives, are viable and important directives for the future of juvenile justice in Ohio.

More radical approaches have been tried elsewhere. Some have begun to demonstrate their worth, others have failed.

> "There is widespread agreement that most people, both youth and adults, who are now locked up need not be. There is also widespread agreement that some of those now routinely locked up, really must continue to be confined. It is also widely recognized that it is extremely difficult to separate out with a tolerable margin of error those who need be locked up from those who do not. However, recent experiences (in Massachusetts) with community placements has shown that with youth this problem is not as difficult as is generally assumed. Many youth clearly and obviously belong in community placements. Some clearly belong in secure settings."[1]

Time and time again the efficiency and effectiveness of community-controlled local and regional alternatives to state institutions has been demonstrated. Some programs in both adult and juvenile corrections have operated at almost at 50% reduction in costs as compared to the costs of operating institutions, per child, per annum. In Ohio, one regional

juvenile detention and rehabilitation center operates at an 88% success rate--with only 12% of the offenders returning.

The attacks on old, traditional state "training schools" have come in almost every major urban state. The well-known high rates of recidivism, methods of regimentation and physical punishment, stigmatizing and dehumanizing affects, and extraordinary costs of state juvenile institutions--all combine to offer little defense for their existence.

Instead, aggressive and dynamic community programs have begun to catch the imagination of public officials in a number of states and have gained new prestige as diverse and genuine attempts to do something with juvenile offenders--something more than locking them up.

While Ohio will continue to need one or two secure small state facilities to care for dangerous juvenile offenders, most juvenile offenders--like all children--will benefit from proper, adequate, humane, and innovative services as close to home as possible.

Footnote--The Regional Model

[1]"Radical Correctional Reform: A Case Study of the Massachusetts Youth Correctional System," Harvard Educational Review, Vol. 44, No. 1, page 102; February, 1974.

NOTES ON DIAGRAM A:

#1 Intake (and Diversion)--Each regional system should have a referral agency of some type. In the smaller counties this agency would probably be attached to the court due to limited resources. A major function of the agency would be handling initial unruly complaints from the community. The ultimate goal of the agency would be diversion of the child into an appropriate community agency. Parents of the child would also be encouraged to take part in any treatment plan that is developed in individual cases. The agency would serve as the "gate keeper" to the remainder of the system. It would encourage all parties to consider diversion before filing any charges. One limitation attached to this agency would be that no first offender (status offender) could be allowed to penetrate any further into the system. After the first offense the intake agency in consultation with the involved parties would determine the necessity of court intervention.

#2 Detention--Detention of an unruly child is now a matter of great controversy. A child arrested "on the street" would miss the intake stage initially. If this arrest is the child's first offense, then a referral to non-detention services should be made. In any detention situation, a detention hearing must occur within 72 hours. If the child is considered by the court to be a threat to himself or others, or if there is probability he may run away, then the child could be held. If the child is held, the holding period should not exceed 21 days, and consideration should be given to reducing the long term detention phase to ten days. All detention operations must comply or exceed the standards as set down in the Ohio Revised Code.

The practice of detaining a child charged with a delinquency should be handled as carefully as the detention of the unruly child. Obviously, the need for detention is more frequent for the child charged with delinquency. As a rule, a child should generally be detained only under the following circumstances:

1. The child is a threat to himself,
2. The child is a threat to others,
3. The child may attempt to abscond before his hearing.

#3 Court Intervention--During the detention and court phases, efforts must be made to insure protection of the juvenile's legal rights. During the formal hearing a disposition is made and the appropriate treatment decision must be made, including the accountability of the parents.

#4 Probation--Probation should be considered as the first option in disposition of the unruly offender. Expanded usage of and coordination with local agencies should be utilized to maximize the chance of averting re-entry into the system by the child.

#5 Local Treatment--Modes of local treatment will vary according to local resources, but efforts should be made to maximize expansion of local treatment resources. Further emphasis on the development of regional programs should be made. Ultimately, a regional program would handle all but the most serious juvenile offender who would be committed to state facilities.

#6 Ohio Youth Commission--Ideally only medium-size maximum-security facilities would be needed. Such a case-load reduction would increase the treatment capabilities of the Ohio Youth Commission in dealing with serious or violent juvenile offenders.

APPENDIX IV

A REPORT FROM LABOR: THE ECONOMIC IMPACT OF CLOSING STATE INSTITUTIONS

By

REPRESENTATIVE CLIFF SKEEN

And

MR. JAMES D. SANDERS

A REPORT FROM LABOR: THE IMPACT OF CLOSING STATE INSTITUTIONS

Emerging from the Task Force's study of the political and organizational process of changing the juvenile correctional system on the one hand and the process of serving youth and their communities on the other is the impact it will have on jobs in communities affected by closing down or phasing out of large juvenile institutions.

It will not suffice simply to implement a change directly without addressing these vested interests in an honest and forthright manner. It will not work well either to act only indirectly by trying to deal with opposition to a new program without a well documented plan to implement needed changes. Resistance to meaningful change from those communities and vested interest groups can only be countered by a solid base of informed public support for reform. Open lines of communication must be developed in such a way as to gain support from these groups who will be most effected by or resist changes in the system as it now exists.

It would be the state's and Ohio Youth Commission's responsibility to be concerned for its employees displaced by an institutional closing, and certainly there are numerous

things they could do to assist in easing the problem for the community which has been dependent on an institution as an economic resource.

However, it would be tragic to continue an archaic juvenile correctional program for that reason alone.

Massachusetts closed down its training schools and offered to relocate personnel to other programs operated by state government and, where necessary, the state retrained certain people for new tasks.

Civil service laws and the views of organized labor would have to be considered with any such changes. Another approach would be to attract new industries to the affected area, and this in the long run would probable benefit the community more.

Special tax incentives and other inducements might be initiated and a campaign to bring into the area industry appropriate to the skills of the people of the community could be launched.

It might be useful to have an economic survey made of the area to determine the kind of industry which would be appropriate and the kind of skills available in the community. Federal and state grant monies may be available for such a survey.

With the state and county working together, the economic concerns of the area could be addressed. Some personnel would be required to maintain the facility during the transition

period, and to either work to dismantle the institution or to maintain it on a mothball basis as we do naval and military installations.

It might be possible that the institution itself might be useful as a site for industry in which case one of the inducements could be to provide the facility rent free for a given period of time.

The problem is not a new one to labor or to economics. When cotton mills moved from New England to the South, the communities affected had to get themselves together to entice other industry in and to retrain its people for new careers. This is also a problem with the close down of military installations.

In all these situations the problem is really met by diversification of the economy rather than dependency on a single industry or economic resource.

At public hearings of the Task Force in May, 1976, representatives of the National AFL-CIO and the National Council on Crime and Delinquency were clear to state their unequivocal support for reform of our juvenile justice system.

As juvenile training schools are depopulated and phased out throughout Ohio and the nation, the problem of relocating employees or diversifying the economy of the affected area will be faced over and over again.

The value of proceeding on all these fronts simultaneously,

planned well to accomplish major reform in a brief span of time, could make Ohio a leader in juvenile justice reform.

APPENDIX V

PROPOSAL FOR THE CABINET REORGANIZATION OF STATE SERVICES FOR CHILDREN AND YOUTH IN OHIO

By

DORETTA L. PETREE

INTRODUCTION

Ohio's 3.8 million children represent one-third of the state's total population. Ohio allocates $850 million a biennium[1] through six major departments to fund at least 25 major programs which provide services to more than 676,000 children--and yet some children still fall through the "cracks" in the system and are not served. Among the many reasons cited[2] for the necessity for government intervention into social service systems for children are the increasing rates of change and mobility in society and the breakdown of the primary family unit.

The delivery systems for children's social services have evolved in a patchwork fashion over many years. Departments have grown unwieldy; have been split into new departments; have been assigned new responsibilities at both the state and federal levels; and have duplicated or contradicted functions of co-existing governmental components. In the process, citizens have lost track of how their tax dollars are spent, what services state government provides, and where to find out.

This study was undertaken in conjunction with the work of the Attorney General's Juvenile Justice Task Force in order to determine just what services state government provides for children and how they are delivered.

Several questions were posed: What services are available for children in need? What departments have sole or shared responsibility for delivering them? How many dollars does Ohio invest (including federal money) in these services? What gaps are there in the delivery system that allow children in need to "get lost?" Could these services be more efficiently, effectively and equitably delivered to Ohio's children?

The study will be divided into sections dealing with:

A. Problems with present service delivery systems and Trends for the future.

B. Rationale for reorganization of the delivery system.

C. Suggested reorganization plan.

D. Conclusions.

E. Overview of state agencies funding or delivering services specifically to children.

PART A

PROBLEMS AND TRENDS

I. There are many problems confronting Ohio's system of delivering services to children which are not unique, but are faced by state governments across the country. In short, they are the result of a lack of coordination and a lack of accountability.

The absence of coordination at the state level in both priority setting and service delivery has evolved over many years as areas of departmental responsibility have expanded or contracted. This has encouraged overlapping jurisdictions among departments resulting in either multiple delivery systems for the same service or voids in service provision. The resulting fragmentation of services leaves generally ill-informed citizens with little hope of discovering the agency mandated to assist them. At the same time, differences in eligibility standards permit agencies to disavow responsibility for particular clients or clients groups. The most significant outcome is that many clients, especially multi-problem clients, fall through the cracks in the system and are not served.

State departments, generally held accountable for little more than staying within their budgets, exhibit a general lack of capability to monitor and evaluate program effectiveness or efficiency. Most departments have little data on the number of

clients actually served or even the population perceived to be in need, let alone the efficiency, effectiveness or equity with which services are provided to that population. In part, the absence of standardized data is due to the varying reporting requirements of the Federal laws under which many programs are funded. This lack of data, however, impinges directly on any efforts to coordinate service delivery.

The absence of both coordination and accountability results in competition for scarce resources and their inefficient use.

II. Several trends reflecting current thought in social services are recognizable across departments. The increasing emphasis on prevention entails attempts to identify client problems at earlier ages and to prevent client penetration into the more formalized system components, e.g., institutions or the formal justice processes. There has been a noticeable shift toward community responsibility for dealing with community problems. In this regard, the trend in institutional care is away from warehousing people in large state institutions and toward returning them either to small group homes in their own communities or to local out-patient programs. Federal and State programs which return funds to the communities are currently receiving emphasis and are being designed more flexibly so that local services can be tailored to meet local needs. Budget constraints appear to have created sufficient stress that the state's departments are re-evaluating or initiating data

collection methods in terms of their monitoring capability.

Some departmental divisions have recognized the need to establish formal liaisons to coordinate their services with those of other departments. Some have emphasized the need for cooperative effort in solving multi-problem cases--for dealing with children rather than specific problem labels. Some have taken initial steps to confront the twin need of coordination/accountability. These initial steps so far have been undertaken only in a haphazard fashion by isolated departmental components. No effort has yet been made to confront coordination or accountability throughout the entire social service system for children.

PART B

RATIONALE FOR REORGANIZATION

State services for children in Ohio are provided by numerous state departments and units within departments. Their departmental organization along categorical lines appears to reflect the idea that "form follows function." The functions of providing health or education services are assigned to the Departments of Health or Education, mental health services to the Division of Mental Health, and so on. Such highly specific programming channels, however, fail to recognize the fact that human problems do not generally occur in neat, isolated packages. More often than not, children are faced with multi-faceted problems that require a coordinated set of specific responses.

Therefore, we must reconsider just what function it is that should determine the organizational form. Is the function the provision of a specific type of service to a diverse client group, or is it the provision of diversified services to a specific client group? The need to deal with specific populations of clients is a real one, and although most departments now programmatically separate services for children and those for adults, the delivery system is fragmented. Some programs,

acknowledging the need to deal with the total child in a co-ordinated manner, now attempt to provide comprehensive services, but only augment the confusion with an "incomprehensible comprehensibility."

An efficient organizational structure should facilitate contact between the available services and the target population, i.e., children. It should efficiently, effectively and equitably facilitate services responding to clients needs, and clients availing themselves of the needed services. The structure must optimize accessibility in both directions. Currently it does not. Present organizational structure not only arrays a complex network of service providers with potentially equal responsibility to a client, but is virtually devoid of any coordinating mechanisms among service providers.

If the real function is serving children, how should the system be structured?

If there is a valid rationale for programmatic separation of services to children and adults <u>within</u> departments, perhaps there is an even more convincing rationale for this type of separation <u>by</u> departments. One alternative to the present form of organization would the formation of a separate entity responsible for services to children, i.e., a Department of Children's Services, at the cabinet level.

PART C

A SUGGESTED REORGANIZATION PLAN

The need for a Department of Children's Services is being advocated on many fronts today. It was strongly recommended in the Ohio Children's Budget Project report which, discussing the need for intersystems planning for children, stated:

> "To facilitate such planning, and the development of children's services in the State of Ohio, consideration should be given to the establishment of a mechanism which would coordinate the delivery of all children's services through one central executive office."[3]

The Department of Children's Services should be positioned at the cabinet level of state government to emphasize the importance of providing coordinated services to children. The Department's authority for planning and coordinating all state services to children would be mandated legislatively.

The Department would administer the provision of services to all children regardless of "category" or "label." The existing complex system for providing services (See Figure I) would be simplified to a one-to-one relationship. Clients needing services would have one agency to contact, and the Department would not need to cross bureaucratic lines to provide most services to the entire client group (See Figure II).

The Department would administer the provision or funding of the majority of services itself. Those services not directly administered by the Department would be available to clients on a referral basis through a set of official linkages established between the Department and other service providers (public, private or voluntary).

Two criteria would identify the programs or services to be administered by the Department. First, the population served by an existing program must be coincident with the target population of the Department. A program that served all age groups similarly would be an inappropriate inclusion. Second, the program must not be an integral component of another department's mission.[4]

The functional structure of the new department must not permit it to become simply an umbrella name for the same old bureaucracy and fragmented system of services that exists now. Rather, the structure must promote integration. It must have built-in coordination and accountability mechanisms, and the flexibility to accommodate changing needs. Such a plan for reorganizing the delivery of services to children could take many forms. One possible alternative is described here to stimulate further thought about more progressive, effective and efficient ways of organizing service delivery.

At the State level, in addition to the Legal and Administrative Support Divisions, the Department could coordinate overall program planning and service development through a

four-fold approach to services which could include Divisions for 1) Needs Evaluation and Program Planning, 2) Grants Administration, 3) Service Administration, and 4) Monitoring and Effectiveness Evaluation.

The Needs Evaluation and Program Planning Division, in consultation with the Regional Coordinators, could plan statewide service development and delivery based on varying local needs. The Grants Administration Division could provide the research and advisory expertise concerning funding sources and could be the local offices' consultant in funding matters. The Service Administration Division could oversee the ongoing operations of all programs and institutions. The Monitoring and Effectiveness Evaluation Division could be responsible for data collection and analysis to determine program quality, effectiveness and efficiency, and for licensing and standards.

This organizational form is suggested to augment integration of services and to preclude reorganization efforts from deteriorating to the present form under an umbrella name. As an integrated information system, it proceeds from determination of need through acquisition of adequate funding, service provision and monitoring back to a re-evaluation of need.

The State level could coordinate programs statewide, administer state facilities or institutions and coordinate Regional programs. The Regional level could have the primary authority for ensuring that a comprehensive, integrated system of services was provided through the local offices in their

regions, and could administer regional programs or facilities for the most severe local problems, of which there would be too few to operate programs efficiently at the local level.

The Local level could directly provide or subsidize local services or community residential facilities and could be an information and referral source for the local community. As such, it could be the one entry point for the system and would facilitate client accessibility to services.

It is proposed that services could be provided by the Department only where their provision by the private sector was not feasible, or until gaps in the system could be handled by private agencies. The Department could provide the financial and technical means for local offices to respond to the needs of local communities.

The services to be included in the Department of Children's Services could include most of those identified in the Overview section of this report. Within the three levels of the Department coordination could be maintained by using a team approach to planning and development, evaluation, and delivery of services. Teams could be organized either on the existing basis (mental retardation, health, education, etc.) or on the more generalized basis of residential services, counselling services, medical services and so on. The Department could be designed as a matrix organization. Thus, planning and development evaluation and delivery functions could be accomplished by teams of individuals having expertise in the specific functional areas.

It should be noted that a major function of the existing agencies is the operation of centralized state institutions. This suggested reorganization could include a de-emphasis on state institutions and an increasing commitment to local or regional community facilities.

If a reorganization of services to children, such as is suggested above, is believed to have merit, a great deal more research and planning will be needed prior to any implementation.

Resistance to change is a given, especially when the territorial sovereignty of departments is threatened. Thus, the success of any change hinges on careful planning and education with the help of the individuals involved.

If a reorganization of services to children, such as is suggested above, is believed to have merit, a great deal more research and planning will be needed prior to any implementation.

Resistance to change is a given, especially when the territorial sovereignty of departments is threatened. Thus, the success of any change hinges on careful planning and education with the help of the individuals involved.

PART D

CONCLUSIONS

The conservative estimate is that Ohio will spend $850 million through six departments and 24 programs to serve 676,000 children in the next state budget. This is a per capita of $630 per child per year. Because of the fragmentation of the multiple delivery system, many other children in need will not receive help, in spite of the fact that services are available and often underutilized. There appears to be scant justification for accepting the status quo. Ohio should reorganize the service delivery system so that children are fairly and effectively served by efficiently run programs.

E. OVERVIEW OF STATE SERVICES TO CHILDREN

This overview of state agencies serving children will cover relevant Divisions in: (1) the Department of Public Welfare; (2) the Department of Mental Health and Mental Retardation; (3) the Ohio Youth Commission; (4) the Division of Special Education (in the Department of Education); and (5) the Division of Maternal and Child Health (in the Department of Health).[1]

Budget figures are for the current biennium (FY76 and FY77) and are the best estimates by the Departments involved. It was requested that they be conservative estimates in order to not overstate Ohio expenditures for children's services. Only public moneys are included. Budget figures for FY77 are projections. Estimates of the number of children served by the various programs are for 1975 because of the virtually impossibility of obtaining that information for 1976.

---

[1] Two state agencies also involved in children's services were intentionally omitted: (1) the Juvenile Justice Project within the Office of the Attorney General, and (2) the Administration of Justice Division within the Department of Economic and Community Development. The first does not provide direct social, educational or health related services. The latter allocates federal criminal justice and juvenile justice dollars and monitors compliance with LEAA guidelines.

1. DEPARTMENT OF PUBLIC WELFARE

(Division of Social Services and Division of Medical Assistance)

a. Number of Children Served in 1975: 233,600

Children's Services	98,100	
Day Care	35,500	
Family Planning	1,585	
EPSDT (see below)	100,000	(approx.)

b. Biennial Budget For Children's Programs, 76-77: $212,246,019

c. Programs and Services: Employment services, information and referral. Residential care, group homes, day care, foster care, adoption, private institutional placements, counseling and mental health services, volunteer programs and comprehensive protective services; Day Care: Licensing and annual review of day care centers, approval of day care homes and aides; annual review of day care centers, approval of day care homes and aides; Family Planning: Reimbursements for services to eligible clients; Early Periodic Screening and Diagnostic Testing: Education in good health practices, screening for mental and physical problems, subsidizes medical treatment, and dental and mental health care. All for "low income" children.

2. DEPARTMENT OF MENTAL HEALTH AND MENTAL RETARDATION

(Division of Mental Health, Division of Mental Retardation and Development Disabilities, Office of Children's Services.)

a. Number of Children Served in 1975: 41,282

Mental Health, Community Services	26,035
Institutional Services	825
Mental Retardation, Community Serv.	13,361
Institutional Services	1,241

b. Biennial Budget for Children's Programs, 76-77: $137,154,246

c. Programs and Services--Mental Health: Prevention, consultation and education, crisis intervention, information and referral, outpatient care, short-term residential care, day care, foster care, drug abuse, intensive care in institutions; Mental Retardation: Identification of client population, diagnosis, treatment, pre-school and school age classes, sheltered workshops, young adult activities, home based services, recreation, speech therapy, physical therapy, occupational therapy, vocational training, education, onward therapy ("crib cases").

3. OHIO YOUTH COMMISSION

a. Number of Children Served in 1975: 8,650

b. Biennial Budget for Children's Programs, 76-77: $93,397,731

c. Programs and Services: Community Services: Residential placement, foster care, group homes, counselling, parole supervision, family reunification, employment, vocational training, school re-entry, recreation, probation officer subsidy, streetworkers, education specialists, survey, and planning; Institutional Services: Diagnostic study, education, vocational training, recreation, medical care, psychological, rehabilitation.

4. DEPARTMENT OF EDUCATION

(Division of Special Education)

a. Number of Children Served in 1975: 216,666

Community Services	1,851
Institutional Services	214,815

b. Biennial Budget for Children's Programs, 76-77: $374,582,000

c. Programs and Services: General education for pre-school, school age and out of school handicapped children; Institutional education programs for handicapped children in all public institutions including the School for the Deaf and School for the Blind.

5. DEPARTMENT OF HEALTH

(Division of Maternal and Child Health)

a. Number of Children Served in 1975: 175,961

Bureau of Maternal and Child Health	74,678
Bureau of Crippled Children Services	26,675
Division of Dental Health	74,608

b. Biennial Budget for Children's Programs, 76-77: $28,440,156

c. Programs and Services--Bureau of Maternal and Child Health: Maternity clinics, child health clinics, Children and Youth Project--comprehensive health care for low income children, high risk newborns--professional education, diagnosis, treatment, comprehensive health care, Maternity and Infant Project; counselling and education re Sudden Infant Death Syndrome, Family Planning (subsidizes clinical programs), Communicative and Sensory Disorders--speech clinics, hearing clinics and treatment, vision clinics and treatment; Bureau of Crippled Children's Services: Refers clients and funds treatment for congenital cardiac, neurological, urological and deformity cases, and hearing and orthopedic conditions; Division of Dental Health: School Education Programs, funds treatment for low income and handicapped patients.

Reorganization Plan - Footnotes

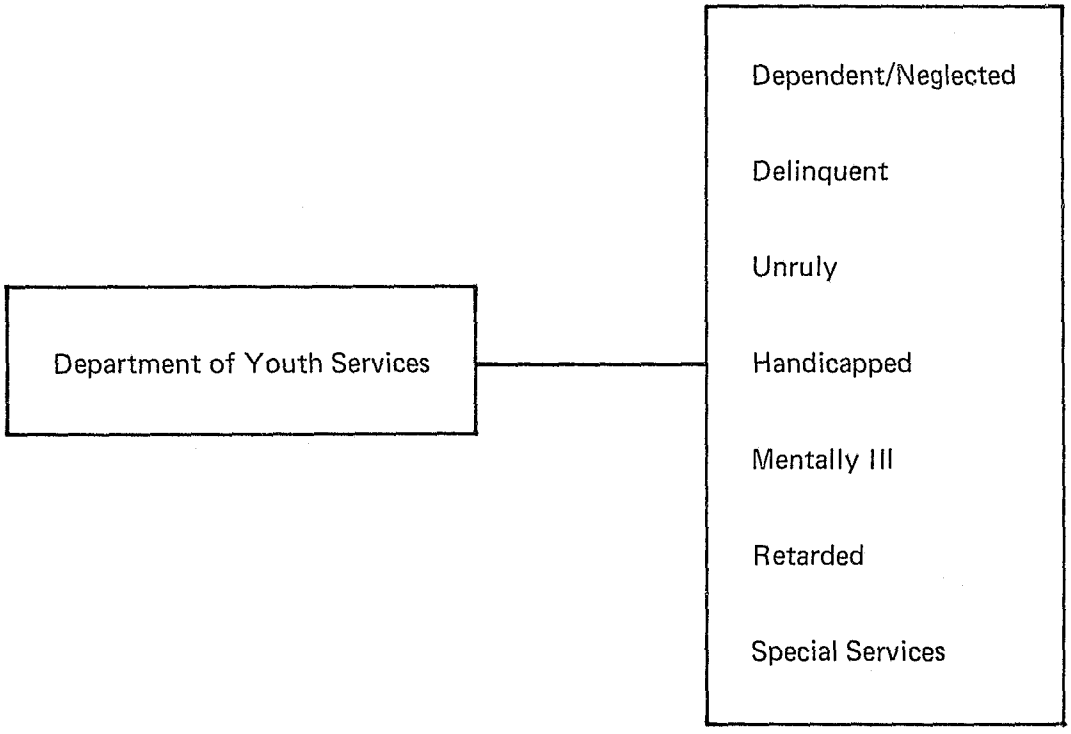
[1]See "Summary of Estimated Budgets for Children's Programs.

[2]"As Parents' Influence Fades--Who's Raising the Children?," U.S. News and World Report, 10-27-76, pp. 41-43.

[3]Children's Budget Project: A Public Policy Study, Thomas P. Holland et al., Human Services Design Laboratory, School of Applied Social Sciences, Case Western Reserve University September 1975, page 4.50.

[4]Inclusion of an integral component would accomplish little in facilitating service provision. For instance, certain specialized educational services, i.e., remedial reading, are an integral part of the Department of Education's general teaching mission, are dealt with in the course of the regular school day, are provided by teaching personnel in school buildings, and are a subset of normal teaching activities. There would be little benefit, and perhaps even a detriment, in co-opting such activities. Tying into these services or programs with official linkages, and possibly funding the purchase of services, would be more beneficial and efficient.

Proposed System



APPENDIX VI

REPORT OF THE DRAFTING COMMITTEE ON COURT STANDARDIZATION

By

CANDACE R. COHEN, J.D.

And

LAWRENCE T. CURTIS, J.D.

INTRODUCTION

The Drafting Committee on Court Standardization was charged by subcommittee with the drafting of specific recommendations for uniformity among Ohio's juvenile courts.

The status offender subcommittee of the Task Force found that substantial variance in procedures exists among the juvenile courts of Ohio's eight-eight countiesl. Similar activities engender drastically differing results depending upon the county. It is the opinion of the Drafting Committee that such arbitrary and capricious procedural variance is violative of the Fourteenth Amendment to the United States Constitution.

The juvenile court has traditionally been an informal court. However, when informality yields drastically differing results, justice is not served. Where procedures are developed in an arbitrary or capricious manner, a child does not receive due process at the hands of the court, the child's right to the equal protection of the laws is violated, and the child's outlook on the process in which he is involved is jaded.

Children are quick to note when adults fail to treat them equitably. Perhaps nothing is more resented by a child than his perception that he has not received fair treatment at the hands of adults. Nothing will trigger a child's resentment more quickly than perceived bias in adults who purport to be impartial. It is, therefore, incumbent upon the juvenile court, above all other courts, to conduct itself not only with fairness, but with a special regard to the appearance of fairness.

The Ohio Rules of Juvenile Procedure states the philosophy and purpose of the juvenile court in Juvenile Rule 1 (B) as follows:

> (1) To effect the just determination of every juvenile court proceeding by insuring the parties a fair hearing and the recognition and enforcement of their constitutional and other legal rights;
>
> (2) To secure simplicity and uniformity in procedure, fairness in administration, and the elimination of unjustifiable expense and delay;
>
> (3) To provide for the care, protection and mental and physical development of children subject to the jurisdiction of the juvenile court and to protect the welfare of the community; and
>
> (4) To protect the public interest by treating children as persons in need of supervision, care, and rehabilitation."

The most important point emerging from the purpose of juvenile court as stated in Juvenile Rule 1(B) is that the juvenile court is indeed a court, and as such it is concerned with procedural regularity to secure due process for all juveniles appearing before it. Although many disciplines apart from law are found in juvenile court more so than in other trial courts, which many times leads citizens to perceive that juvenile court is a social agency in disguise, the committee stresses that juvenile courts are based on the law.

While one of the purposes of the juvenile court as articulated in Juvenile Rule 1(B) is to provide for the "care, protection and mental and physical development of children", the procedural

uniformity which guarantees due process of law does not interfere with that purpose. As the Supreme Court emphasized in In Re Gault, 387 U.S. 1, 87 S. Ct. 1428, 18 L. Ed.2d 527 (1967), procedural regularity and uniformity will introduce a degree of order into juvenile hearings and will not require the concept of the kindly juvenile judge to be replaced with a harsh, mechanical logician. Justice Fortas, writing the majority opinion in In Re Gault, supra, declared:

> "Under our constitutions, the condition of being a boy does not justify a kangaroo court."

The justices in In Re Gault, supra, found that informality in juvenile court proceedings was not helpful to children and that recent studies indicate that the appearances as well as the actuality of fairness, impartiality, and orderliness (in short the essentials of due process) were more impressive and therapeutic so far as children were concerned.

A certain degree of standardization in juvenile procedure is necessary to maintain the concept of juvenile court as a court and to guarantee fair treatment to all children. The following recommendations are intended to achieve procedural regularity as mandated by the Ohio Rules of Juvenile Procedure and In Re Gault, supra.

A. Effectiveness of Rights

At every stage of the juvenile proceedings juveniles should

be informed of their rights in each proceeding. The committee believes that the most fundamental and most significant of these rights is their right to legal counsel. The right to counsel is too significant to be waived by a minor.

Clearly, only older, and substantially more experienced children should ever be considered capable of having made a knowing and intelligent waiver of their right to counsel. Even in such cases, however, it is imperative that the state carry a heavy burden of showing the knowing and intelligent nature of such a waiver.

We recommend that if a child does not have counsel, he be advised of his right to counsel at the beginning of every step in the juvenile process and that the court assist him in obtaining counsel if he is indigent. If non-indigent parents refuse to provide counsel for their child, counsel should be appointed by the court. Such appointment should be treated as a necessary.

No effort should be made at any stage in the juvenile process to require decisions or obtain statements from a juvenile unless his attorney is present.

B. Open Courts

Currently, juvenile courts in Ohio operate in an atmosphere of secrecy. Presently, Rule 27 of the Ohio Rules of Juvenile Procedure provides that: "in the hearing of any case the general public may be excluded . . .". In practice very few courts allow the general public or news reporters to observe their proceedings. Those courts which do allow observation generally grant such permission only to specific individuals and only on a case by case basis. This secrecy is intended to protect the child from public scorn and has been fundamental to the juvenile court philosophy for seventy-five years.

Today, concept of the closed court is under attack from a number of forces concerned about juvenile rights, including the Juvenile Justice Standards Project of the American Bar Association.

However, it is argued that no appreciable dimunition in the amount of publicity or stigma involving a juvenile has resulted from this secrecy because the news media and perspective employers have found alternative sources of information concerning a juvenile's record.

It is also argued that some unfortunate side effects result from the policy of conducting juvenile court proceedings in secret. The secrecy of the juvenile court has denied juveniles an opportunity to have their case heard in a public forum. Others argue that the policy is contrary to the free press rights of the First Amendment.

Ohio's new "Sunshine Law" requires that the public's business be done publicly. We believe that, in principle, it is applicable to our courts of law.

It is necessary to balance the benefits accruing to the child as a result of the privacy of the juvenile court against the detriment occuring to the child and to the public at large.

Because the secrecy of the juvenile court is intended as a benefit exclusively to the child, the committee recommends that all children be afforded an opportunity to determine, with advice of counsel, in all stages of the juvenile court proceeding whether or not that proceeding shall be conducted in private or in public. The discretion should rest not with the court, but with the defendant.

C. Transcripts

In many counties in this state, no transcript is kept on the proceedings of the juvenile court. Failure to make a transcript renders meaningful appeal impossible. Only if a special request is made by counsel, sometime prior to a juvenile court hearing, are provisions made to attain a transcript of that hearing. In other divisions of the Court of Common Pleas, all hearings are transcribed as a matter of course. The juvenile court is also a court of record of the State of Ohio. (Section 2151.01 Ohio Revised Code).

The committee recommends therefore that a verbatim record be kept of all proceedings in which a verbatim record would be kept in an adult criminal case in the Court of Common Pleas. The proceedings of the juvenile court are in every way as worthy and important as the proceedings of an adult case. The Due Process and Equal Protection clauses of the Fourteenth Amendment as well as simple equity demands that juveniles in delinquency and unruliness actions be afforded the same access to a record as an adult.

D. Written Opinions

The Legislature has provided jurisdiction in the appellate courts to review juvenile cases and to reverse the decision of the juvenile court when that is deemed appropriate. Unfortunately, it is extraordinarily difficult for appellate courts to review juvenile cases without an understanding of the court's rationale for the original decision. The committee therefore recommends that the Rules of Juvenile Procedure be amended to require that juvenile court judges file written opinions in each case in which a motion for such opinion is filed by a party. Such a decision should be required to include the treatment benefits that the court believes will be derived from the disposition and an explanation of which less restrictive alternatives were considered and the reasons for their rejection.

E. Rules of Procedure

Juvenile courts should use the Rules of Juvenile Procedure as a primary guide in determining the procedures to be followed in all proceedings. The Rules of Juvenile Procedure insure to all children within this jurisdiction the due process required by In Re Gault, supra, without limiting the flexibility that the juvenile court needs to determine individual treatment for the children appearing before it. The Rules of Juvenile Procedure still allow juvenile courts to function in a paternal manner while mandating that such hearings "aimed at determining the truth of the facts alleged in the delinquency petition must measure up to the essentials of due process and fair treatment", In Re Gault, supra. The juvenile judges of Ohio should adhere to the juvenile rules, and attorneys practicing in the juvenile court should familiarize themselves with juvenile rules and adhere to them in all proceedings as would be expected in any court of law.

Rule 45, Ohio Rules of Juvenile Procedure provides:

> "If no procedure is specifically prescribed by these rules, the court shall proceed in any lawful manner."

We recommend that Rule 45 be amended to require reference to the Ohio Rules of Civil Procedure and the Ohio Rules of Appellate Procedure prior to the promulgation of local rules.

F. Referees

The Task Force has found that substantial procedure difficulties in present juvenile court hearings are attributable to the lack of legal expertise on the part of some referees.

The committee recommends that all juvenile court proceedings be presided over by an attorney.

Although Juvenile Rule 48 does not state that juvenile referees must be attorneys, current practice in juvenile court is increasingly technical. While there are many competent juvenile referees who are not attorneys, to insure that litigants receive due process of law it is necessary that referees be fully trained in all aspects of the law.

Section 3111.04, Ohio Revised Code, requires that all referees in paternity cases must be attorneys. It is difficult to discern a reason for the difference in treatment between paternity cases and delinquency and unruly cases.

Some counties operate a preferential system of assignment of juvenile court referees based on the sex of the defendant and the sex of the referee. The committee recommends that such preferential systems of assignment be expressly forbidden.

Section 2151.16, Ohio Revised Code, provides that whenever possible a female referee shall be appointed to the trial of a female defendant, however, there is no preference for appointing male referees for male offenders. The Ohio Task Force for the Implementation of the Equal Rights Amendment recommended in 1975

that Section 2151.16, Ohio Revised Code, be amended to include a statutory requirement that juvenile court referees be assigned on a random basis but allowing a child to request that the referee be of a particular sex. The ERA Task Force reported that, in practice, sex-based assignment of referees works to the detriment of the female juvenile. (The ERA Task Force stated that when a referee continually handles only female juveniles, usually charged with offenses similar in nature, the referee will not provide individualized treatment and attention to the juvenile, but treatment to the female juvenile in a standardized manner.)

G. Due Process

The committee firmly believes that the juvenile court must be a court of law. We believe that juvenile defendants are entitled to due process of law and that the citizens of the State of Ohio are likewise entitled to due process in their juvenile courts. We therefore call upon the eighty-eight prosecuting attorneys in the State of Ohio to take an active role in the prosecution of juvenile court cases to insure that the interests of the people of Ohio are protected. We call upon the Ohio Bar Association, all local Bar Associations, and the juvenile court judges to encourage attorneys to provide representation for juveniles in juvenile court.

We further respectfully suggest that the Attorney General and the Ohio Bar Association, and the Juvenile Court Judges Association, jointly or severally conduct seminars to introduce attorneys to procedure in juvenile court.

We suggest that such seminars also consider the question of the appropriate role of the attorney in the unique situation of the juvenile court. Ethical questions which have not been adequately discussed arise when conflicts develop (as they often do) between the best interest of the child-client and the right of that child-client to vigorous advocacy. The committee encourages vigorous debate within the profession on the role of the attorney as advocate and/or guardian ad litems as it relates to conflicts in the juvenile justice process as

well as in the general problem of representation of the legally incompetent.

Juvenile Rule 4(A) states: "Every party shall have a right to be represented by counsel". Juvenile Rule 4(A) should be interpreted to include within the concept of "all parties" the people of the State of Ohio. The juvenile court must encourage the prosecuting attorneys in each county to provide such representation. Since juvenile court practice is usually emotionally demanding of all attorneys and financially unrewarding for defense counsel, the Ohio Bar Association, local bar associations and the Juvenile Court Judges Association must encourage attorneys to realize the great public service that they do by practicing in juvenile court. Appointed counsel should be paved in accord with the court's fee schedule for appointed counsel in adult cases.

In many instances, evidence has been taken in juvenile court in an informal manner in degradation of the ordinary rules of evidence. The committee believes that with the possible exception of the exclusionary rule as applied to certain Fourth Amendment cases, the rules of evidence presently enforced in the State of Ohio are intended to produce reliable findings of fact. The committee believes that it is inappropriate for juvenile courts not to adhere to a belief so strongly grounded in precedent. The Committee therefore recommends that the taking of evidence in all juvenile courts in Ohio shall be

governed by the Ohio Rules of Civil Procedure. The committee also recommends that an expressed provision be made establishing that no person shall be required to give evidence against himself in juvenile court. The committee calls upon the juvenile judges of the State of Ohio to ensure, by lawyer-like adherence to the Rules of Civil Procedure, that the fact-finding process in their court in adjudicatory hearings is beyond reproach.

If there is any class of lawbreaker that is amendable to rehabilitation, it is the juvenile. It is therefore imperative that every effort be made to demonstrate to these children that our legal system is an equitable one, and that our fact finding procedures are orderly, balanced, and accurate.

H. Hearsay Reports

Soem judges have available to them (and read) the social histories and family records of unadjudicated children although this contravenes the spirit of Juvenile Rule 32. The Task Force has found that such juvenile court judges may therefore be prejudiced against these children at adjudication.

It is recommended that Rule 32 of the Rules of Juvenile Procedure be amended to provide that no order for a social history or family file be permitted until after the adjudicatory hearing and that in the case of already existing social histories or family files that such files not be available to juvenile court judges until after the adjudicatory hearing. We strongly recommend that the ordering of a social history or a family case file or the possession of such history or file by the juvenile judge prior to adjudication be expressly stated to be reversible error in Juvenile Rule 32.

The committee is cognizant of the delays that may be caused by such a recommendation, however, we believe that the right to a fair trial before an impartial judge demands that the judge not be cognizant of social histories or family files prior to adjudication. We encourage, however, the use of social histories and family files as valuable resources for the sole purpose of disposition. It is, we believe, necessary to provide an opportunity for the juvenile court judges to read and consider such records after adjudication but prior to disposition.

I. Intake

Procedural regularity and fairness must begin with the child's first contact with the juvenile court if a favorable relationship is to be established with the child. The drafting committee suggests that such procedural regularity and fairness can best be accomplished by a formalized juvenile court intake department which is charged with the operation of a formalized diversion program. Where intake departments and diversion programs exist, they should be encouraged. Where they do not exist they should be created.

It is imperative that intake departments be staffed with persons who are sensitive both to the needs of the child as an individual and to the importance of procedural regularity. Intake personnel must understand that all defendants are entitled to a presumption of innocence.

Every juvenile court in Ohio should have an intake officer whose primary responsibility would be to determine "whether the filing of a complaint is in the best interest of the child and the public." Juvenile Rule 9(B). Juvenile Rule 9(A) states that: "In all appropriate cases, formal action should be avoided" and in subsection (B) states that there may be informal screening of a complaint.

However, it must be remembered that the juvenile justice system began as an informal diversion system from the adult criminal justice system. In Re Gault, supra, clearly estab-

lished that informal diversionary systems in the nature of the juvenile court must operate under procedural safeguards. It is not constitutionally permissible to operate diversionary programs without providing due process to the child.

To this end, the committee recommends that definite intake criteria be established by the juvenile rules. These new juvenile rules should require Miranda warnings and provide for the creation and government of a class of "unofficial" cases. The juvenile rules should establish that the child, with the advice of counsel, may waive this adjudicatory hearing and be placed on "unofficial" probation with the understanding that should he violate probation the prosecution could reopen his case and proceed with an adjudicatory hearing and an official disposition. Each juvenile court should be required to establish and publish standards to be applied by intake officers in determining when cases are appropriate for inclusion in the diversionary system. We believe that minimally diversion systems should be available to all first time status offenders.

Furthermore, it is recommended (and we believe the constitution to require) that juveniles accused of delinquency of unruly behavior be permitted the opportunity to waive, with advice of counsel, the benefits of the diversionary system, and to demand a full adjudicatory hearing at the earliest possible time. To do less merely re-establishes the pre Gault juvenile court under another name.

It may be advisable, especially in the less populous counties of the state, to utilize the juvenile court intake department as part of a referral service to all other youth services and programs in the county (See Proposal for Community Controlled Juvenile Justice, this report). If community juvenile services are insufficient, it is reasonable to utilize the juvenile court intake department to encourage the development of such services, or to refer cases to those services and away from formal court action -- especially in unruly cases.

Insofar as volunteers are a largely untapped, and very valuable source of treatment opportunities for children, each juvenile court intake department should be encouraged to establish volunteer action programs and to coordinate existing community programs. To this end, the committee recommends that the juvenile court intake department in each county encourages the recruitment of juvenile service volunteers. Voluntarism is an extraordinary valuable resource. In the past few years, some counties have developed successful volunteer programs. We commend those counties to the attention of those courts which have been unable to establish local alternative treatment facilities due to the unavailability of financial support.

J. Hours of Operation

The Task Force has found that a significant problem in working with delinquent and unruly children is obtaining the involvement of the parents of those children in the juvenile court process. In some instances we believe that an appreciable economic hardship is worked upon the parents of delinqunet or unruly children by requiring them to miss work to attend court hearings or counseling. In many more instances we believe that parents use the problem of missing work as a rationalization for their continued neglect of their delinquent or unruly children.

The committee therefore recommends that juvenile courts and other social agencies receiving public funds, be encouraged to expand their hours beyond ordinary business hours and thereby eleviate any economic hardship and deny parents that rationalization for not helping their children in the juvenile court process. Minimally, all required treatment or counselling sessions should be available in the evenings to parents who must work during the day. Likewise, where legitimate, work-related hardship is shown to exist, courts should be encouraged to hold hearings after working hours.

K. Probation

A number of children committed to the Ohio Youth Commission are so committed as a result of probation violation. The committee therefore recommends that all probation revocation hearings be conducted with fairness and the essentials of due process. We recommend that where a child is alleged to have violated probation of probable cause hearing be held on the issue of the alleged probation violation. All such hearings should begin with a determination by the presiding officer that notice of a hearing, its purpose, and its reported basis for revocation have been received by the child and its parents. Furthermore, the court should determine whether the child and/or its parents desire counsel. Dispositions should be considered at a separate dispositional hearing, for the same reasons that adjudicatory hearings are separate from dispositional hearings. The conduct of the probable cause hearing should at least comport with the requirements of Gagnon v. Scaparelci, 411 U.S. 778.

Because of the extremely high caseload many probation officers carry, they are unable to provide continuing counselling to their probationers. In far too many instances, probation as it currently exists in the juvenile system has little effect on the probationer other than to place him or her in a disadvantageous legal situation vis a vie the standard of proof necessary to establish this behavior. We

recommend Section 5139.32, Ohio Rev. Code be expanded to allow the juvenile court to hear motions for appropriate relief based upon the failure of the state to provide adequate individualized treatment. Appropriate relief could be construed to include release from probation or confinement, or provision of an alternative treatment program, not more restrictive in nature. Children should be provided a statutory right to initiate such petitions without fear of a greater deprivation of liberty.

APPENDIX VII

A STATISTICAL REPORT:
THE ATTORNEY GENERAL'S SURVEY
OF OHIO'S 88 JUVENILE COURTS

INTRODUCTION

In response to the controversy enveloping the juvenile justice system nationally and the need for its re-evaluation in Ohio, Attorney General William J. Brown formed a Juvenile Justice Project within his office and created a 19-member Task Force which began work in February 1976. For the Task Force to make recommendations that would speak to Ohio's juvenile justice problems today, current statistical data was needed, but was not available. The Attorney General's Office therefore undertook a research effort designed to provide the necessary data.

METHODOLOGY

A survey questionnaire[1] was mailed to each of Ohio's 88 county juvenile courts and a 100% response rate was obtained. The questionaire requested dispositional, commitment and bind over statistics for all delinquency and unruly cases for calendar year 1975. Data on the other types of cases handled by the juvenile courts such as dependency, neglect, custody, child support or adult contributing, were not obtained.

DEFINITIONS

Delinquency is defined as an act which would be a crime if committed by an adult. Unruliness is an act, such as truancy or runaway, for which only juveniles can be charged.

Disposition refers to any final court order on a charge. Commitment means court ordered placement of a juvenile at the Ohio Youth Commission. Bind over refers to the discretionary court order that permits a nuvenile, age 15 or over who is alleged to have committed an act that would be a felony if committed by an adult, to be transferred to the Criminal Court for trial as an adult.[2]

FINDINGS

First, it must be noted that the following figures for delinquency and unruliness represent dispositions and not children adjudicated by the juvenile courts. Because some children are involved in repeat offenses within one year, the number of children appearing in court would be smaller than the total number of dispositions.[3]

I. DISPOSITIONS

CASES DISPOSED OF AS DELINQUENT AND UNRULY IN OHIO IN 1975[4]

	MALE	(%)	FEMALE	(%)	TOTAL	(%)
DELINQUENCY:	51,779	(82)	11,457	(18)	63,236	(100)
UNRULINESS:	10,784	(54)	9,263	(46)	20,047	(100)
TOTAL:	62,563	(75)	20,720	(25)	83,283	(100)

Delinquencies far outnumbered unrulies; dispositions for males outnumbered those for females in both categories; and male delinquencies continued to represent the majority (62%)

of juvenile dispositions.

The counties which include Ohio's eight major metropolitan areas: Cuyahoga, Franklin, Hamilton, Lucas, Mahoning, Montgomery, Stark, and Summit, accounted for more than half (54.3%) of the total dispositions. Cuyahoga and Hamilton counties alone accounted for almost one third (31.5%) of the state total.[5]

COMPARISON OF DISPOSITIONS FOR 1973 AND 1975

Estimated Juvenile Population, 10-17:[6]	1973		1975		
		1,826,714		1,818,685	
Dispositions	1973[7]	(% Popu.)	1975	(% Popu.)	(% Change, 1973-1975)
Delinquency	44,301	(2.4)	63,236	(3.5)	(+42.7)
Unruliness	20,784	(1.1)	20,047	(1.1)	(- 3.5)
Total	65,085	(3.5)	83,283	(4.6)	(+27.9)

Delinquency dispositions increased by almost 43% from 1973, while unruly dispositions decreased by 3.5%.

The increase in delinquency dispositions could potentially be attributed to a rapidly increasing juvenile crime problem, a crackdown by the courts and law enforcement personnel in response to public outcry for law and order, or even to the failure of current rehabilitation and treatment techniques resulting in increased recidivism. On the other hand, this increase could be the result of the last of the baby boom children entering the most delinquency prone years,

ages 15 to 17. Most notable here is the 1% increase in delinquency dispositions as a percent of juvenile population. Between 1973 and 1975, although there was a decrease in the age 10 to 17 population, there was an increase in the age 15 to 17 group.

In order to put the almost 43% increase in delinquency dispositions into perspective, however, it must be reiterated that the percentage of population figures above are somewhat inflated[6] and that recidivism must be taken into account. In view of these considerations, substantially fewer than 3.5% of all Ohio juveniles in the relevant population came under the purview of the juvenile courts for delinquency in 1975.

The slight drop in unruly dispositions (737) could optimistically be viewed as stabilization rather than a true decrease in unruliness. However, it would probably be more realistic to attribute it to the recent emphasis on diversion programs for unrulies such as the Multi-County Attention System in Stark County or the Franklin County Services for Unrulies Unit. (Unruly complaints are first referred to such programs and court intervention is used only as a last resort.)

COMPARISON OF DISPOSITIONS FOR 1973 AND 1975 BY SEX

Delinquency:	1973	(% of 1973 Total)	1975	(% of 1975 Total)	(% Change, 1973-1975)
Male	35,823	(55)	51,779	(62)	(+44.5)
Female	8,478	(13)	11,457	(14)	(+35.0)

Unruliness:	1973	(% of 1973 Total)	1975	(% of 1975 Total)	(% Change, 1973-1975)
Male	11,417	(17.5)	10,784	(13)	(-5.5)
Female	9,367	(14.5)	9,263	(11)	(-1.0)

The most significant change here is the substantial increase in delinquency dispositions, which jumped from two-thirds of all dispositions in 1973 to three-fourths in 1975, with males accounting for most of the increase. Dispositions for males and females occurred in substantially the same proportions for 1973 and 1975 in both delinquencies and unrulies -- approximately 80:20 and 55:45 respectively. Note, however, that dispositions for female delinquency exceeded those for female unruliness. This represents a reversal of the traditional tendency for females to be involved more frequently in unruly types of offenses.

II. BIND OVERS

BIND OVERS AND DANGEROUS OFFENSES

Bind overs, 1975:

MALE	(%)	FEMALE	(%)	TOTAL
248	(97.25)	7	(2.75)	255

Dangerous offenses Committed to OYC[8]:

1973	1975	(% Change)
291	414	(+51.5)

Total 1975 Bind overs and Commitments for Dangerous Offenses:

669

CONTINUED

2 OF 3

Bind over statistics have not been collected separately in Ohio prior to this study, so we can report only the total for 1975 without comparison to previous years. In an attempt to identify the amount of "dangerousness" handled by the juvenile courts, we have also reported the number of juveniles committed to the Ohio Youth Commission for "dangerous offenses". It should be noted that even this composite of "dangerousness" will not tap all juveniles committing offenses that would fall into the dangerous category, i.e., the first offender or the child referred for psychological or psychiatric treatment.

Recognizing these limitations, the figures below indicate that bind overs and commitments for dangerous offenses comprised less than 0.04% of Ohio's juvenile population, and 0.8% of the total juvenile court dispositions.

% of 1975 ESTIMATED JUVENILE POPULATION:	BIND OVER	DANGEROUS	BOTH
	.014	.023	.037
% OF TOTAL 1975 DISPOSITIONS:	.30	.50	.80

The attached map[9] shows the geographic distribution of 1975 bind overs, two-thirds (68%) of which occurred in Cuyahoga and Hamilton counties.

III. PERMANENT COMMITMENTS

PERMANENT COMMITMENTS TO THE OHIO YOUTH COMMISSION, 1975[10]

	Male	(%)	Female	(%)	Total	(%)
Delinquency:	2,827	(97)	274	(62)	3,101	(92.5)

Unruliness[11]:	84	(3)	167	(38)	251	(7.5)
Total:	2,911	(100)	441	(100)	3,352	(100.)

Over 92% of the commitments resulted from delinquencies; male delinquencies totaled more than 84% of all commitments; and female commitments represented only 13% of the total.

Nearly all of the male commitments resulted from delinquency, while almost two-fifths of the female commitments resulted from unruliness. These percentages have often been cited as evidence that females are discriminatorily committed to the Ohio Youth Commission for unruly offenses. In order to perceive the situation more accurately, it is necessary to determine the percent of dispositions by sex in each classification (unruly and delinquency) that resulted in commitments.

PERMANENT COMMITMENTS AS A PERCENTAGE OF TOTAL DISPOSITIONS, BY SEX AND CLASSIFICATION

	Unruly	Delinquency
Male	.7%	5.6%
Female	1.8%	2.5%

It is apparent that what initially appear to be gross inequities, are much reduced. Although male delinquency dispositions are twice as likely to result in commitment as those for females, and female unruly dispositions are twice as likely as those of males to result in commitments, the real differences in percentages are rather small, i.e., 3.1% and 1.1% respectively.

It is interesting to note that at the same time that dispositions for delinquency rose almost 43%, commitments did likewise. OYC received 2,350 commitments in 1973 and 3,352 in 1975 -- an increase of 42.6%. In 1975, 12.4% of all commitments were for "dangerous offenses" as previously defined.

LIMITATIONS

Any statistics must be approached with caution. Undue reliance must not be placed on their analysis because of the many uncontrolled variables. To our knowledge, this study presents the most recent and most accurate data on the juvenile justice system in Ohio. However, its limitations must be recognized.

All data was collected from the original sources, the 88 county juvenile courts in Ohio. This necessarily results in 88 methods of counting, because no standardized definitions are used in this area of statistical collection. In addition, because very few of the children coming under court jurisdiction are "pure-types" of unrulies or delinquents, the definition and counting problems are compounded.

Any suggested causal hypotheses must be accepted as just that -- suggested -- because at best, two sets of static data were used. In some cases, data were collected for the first time. Only the simplest mathematical calculations were used because of the simplistic nature of the data.

Various relationships or hypotheses were mentioned to encourage further thought about what is really happening in juvenile justice in Ohio, as that subset differs from what is reported nationally.

CONCLUSIONS

Ohio's major problem, at the moment, is male delinquency although female delinquency is increasingly making its presence felt. Ohio has far less of a problem with juvenile dangerousness than the media, which generally describes problems in New York and California, would indicate. This study and previous literature would indicate a need for fewer institutional beds in Ohio and more community level services based on calculations of "dangerousness". In the interests of future research in juvenile justice, there is a glaring need for standardized statistical collection methods and definitions.

Footnotes to Court Survey

[1]See survey questionnaire.

[2]Ohio R. Juv. P. 30, and Ohio Rev. Code Section 2151.26 Page, Supp. 1968).

[3]The Honorable David E. Grossman of the Hamilton County Juvenile Court presented testimony at the public hearings of the Attorney General's Juvenile Justice Task Force which indicated the relationship between number of dispositions and number of children. An intensive 16 month effort to collect comprehensive statistics found that the 11,802 delinquency dispositions in 1975 represented 5,374 children, of whom 2,042 committed 8,497 offenses. Likewise, the 2,560 unruly dispositions represented 1,208 children, of whom 265 committed 1,612 offenses. Judge Grossman indicated that the extent of the problem, in terms of its manageability, is further reduced if the number of families represented is computed.

[4]Erie, Logan, Madison, Marion, Summit and Wood counties were unable to provide male/female breakdowns for delinquency and unruliness. The breakdown of these figures was accomplished by determining the male/female ratio for the 82 counties which reported a breakdown by sex, and allocating the figures from the other six counties accordingly. These allocated figures represent 7.2% (4,534) of all delinquency dispositions and 7.8% (1,571) of all unruly dispositions. Because the male/female ratios varied less than 1% as subtotals were computed during the response period, this method of allocation did not appear to result in any significant distortion.

[5]See Map I.

[6]The age 10 to 17 population is used for purposes of comparison because this group encompasses the vast majority of juvenile court activity. Actual population figures are not available for this age group for 1973 and 1975. The above figures were obtained by applying the rate of change in population per thousand to the 1970 U.S. Department of Commerce population figures for the relevant ages. Due to a lower death rate for this age group than for the total population, the estimated figures are lower than the actual 10 to 17 population, and the calculations indicating percent of population are correspondingly higher. These calculations were presented simply to provide some perspective on the size of the problems confronting Ohio's juvenile justice system. See attachment

for juvenile population figures for 1970 and rates of change per thousand.

[7]The 1973 disposition totals for delinquency and unruliness were obtained from Juvenile Court Statistics, 1973, Ohio Department of Mental Health and Mental Retardation.

[8]Offenses included in this category are: armed robbery/strong armed robbery, aggravated assault, rape, murder/homicide, aggravated murder, arson and kidnap. Commitment statistics were obtained from the Annual Report 1975, Office of Data Processing, Ohio Youth Commission. The distinction between dangerous offenses and dangerous offenders should be noted.

[9]See Map II.

[10]All figures were obtained from Annual Report 1975, Office of Data Processing, Ohio Youth Commission. Construction of the questionnarie did not differentiate between temporary commitments (for the purpose of diagnostic study) and permanent commitments (for institutional placement).

[11]Unruly is defined by the Ohio Youth Commission on the basis of definitions prepared by the Council of State Governments for LEAA's use in administering the Juvenile Justice and Delinquency Prevention Act of 1974. This definition categorizes as delinquent only those who have committed a delinquent act, i.e., does not include unrulies who violate probation or a court order. The Ohio Revised Code does presently classify this latter group as delinquent. (Ohio Rev. Code Section 2151.02(B)). (Page, Supp. 1968.)

U.S. DEPARTMENT OF COMMERCE POPULATION STATISTICS, AGES 0 TO 17, APRIL 1, 1970

AGE	POPULATION	AGE	POPULATION
0-1	186,212	9	221,004
1	182,839	10	228,438
2	177,304	11	224,765
3	184,017	12	229,792
4	190,658	13	223,368
5	201,744	14	220,822
6	209,108	15	218,760
7	211,307	16	207,774
8	216,311	17	204,074

RATES OF CHANGE PER 1000

1970 to 1971	10.9
1971 to 1972	9.7
1972 to 1973	7.8
1973 to 1974	7.1
1974 to 1975	7.5

ATTORNEY GENERAL'S JUVENILE JUSTICE PROJECT

SURVEY QUESTIONNAIRE

We would like the following information for calendar year 1975 for _____ county:

		MALE	FEMALE	TOTAL
1.	Number of filings disposed of as Delinquent	____	_____	_____
2.	Number of filings disposed of as Unruly	____	_____	_____
3.	Number of children committed to OYC on Delinquency filings*	____	_____	_____
4.	Number of children committed to OYC on Unruly filings	____	_____	_____
5.	Number of children bound over to the Criminal Court	____	_____	_____

What were the offenses that resulted in bind over?

Comments or Additional Information:

*Not including violation of court order or violation of probation on an Unruly offense. Count these under No. 4.

Appendix II

Map I

Dispositions in Ohio's Major Metropolitan Counties

: 31% of Total 1975 Dispositions

: 17.2% of Total 1975 Dispositions

County	Dispositions	% of Total
Cuyahoga	11,887	14.25
Hamilton	14,362	17.25
Franklin	6,404	7.7
Lucas	5,378	6.5
Mahoning	459	.5
Montgomery	2,576	3.1
Stark	1,038	1.6
Summit	2,298	3.4

Appendix II

Map II

1975 Bindovers by County

APPENDIX VIII

The Creation of a New Network of Services

for Troublesome Youth,

by John M. Martin

from Closing Correctional Institutions

(reprinted by permission.)

For almost two hundred years in the United States the large congregate institution has been the hub around which the rest of an essentially coercive and punitive penal apparatus has rotated. Beginning in the middle and late 1800's probation and parole began to be used more and more as substitutes for incarceration, but the central feature of penal life remained the large residential institution where offenders were isolated and removed from the general community.

In more recent decades, of course, penology has been renamed corrections, and children and adults have been confined separately. Separate probation and parole services for children have also been established, as well as a separate court and trial procedure. Lately, half-way houses, group homes, and various types of work camps have been developed for delinquents, both youthful, and, to some degree, adult offenders. Yet the large residential institution has continued to play a major role in both juvenile and adult corrections.

Very recently, however, a social movement has evolved which, gathering headway, is seeking to reduce drastically the proportion of adjudicated court delinquents committed to training schools and other large institutions for care. Significantly, the same movement is trying to reduce sharply the absolute number of children who are dealt with by the juvenile court in the first instance.

It is important to note that this movement is national in scope, and that convincing evidence of its progress may be found in many different jurisdictions across the country. At the federal level, the Youth Development and Delinquency Prevention Administration of the Department of Health, Education and Welfare, one of the sponsors of this conference, has given special priority to the development of what are called youth services systems. These are systems at the local level designed specifically to cut down drastically on the number of youth entering the juvenile justice system or being dealt with by means of traditional correctional programs.

The first stages of the movement being described have been linked by some commentators to the early 1960's when the federal government first began to spend larger and larger amounts of money in the delinquency field on demonstration and other projects geared to improving conditions in local jurisdictions. Other observers have noted that the movement seemed to evolved as social scientists, as distinct from psychiatrists and other clinicians, began to play more significant roles in policy-making decisions in the field at the federal and local levels. Certainly the vigorous interest lawyers have shown in recent years in the reform of the juvenile court has been an integral part of the movement.

A growing awareness that faults lie in the basic models upon which the juvenile court and juvenile corrections are

built forms the intellectual backbone of this movement. Thus its ultimate goal is the abandonment of existing models and the development of radically different and new ones to take their place. This is drastically different from the goals that formerly dominated criticism in the juvenile justice field, which, for example, for a long time tried to decide such problems as how many cases should constitute a maximum parole caseload and whether or not probation was social casework.

At the risk of oversimplification, it may make some sense to try to identify several of the premises out of which the new movement for the reform of the juvenile justice system has emerged. First, critics of the juvenile court and of juvenile corrections are now aware that they must look at how such organizations actually function and at what the consequences of such functioning are for the children involved, rather than at how such systems declare they are supposed to function and at what they say their results are supposed to be. In brief, critics have learned to look at the realities of such systems, and not to be put off by the partisan rhetoric used to justify their existence. This rigorous and empirical type of examination has raised serious questions about due process and other legal issues as they relate to the juvenile court. And it is from this perspective, too, that critics have become concerned about the unanticipated, but nonetheless stigmatizing, consequences of official action against any child.

Second, a sharp shift in orientation regarding the causes of delinquency has taken place as environmental conditions

impinging in a destructive way upon youth have become accepted as more significant for policy-making than views which focused essentially on the so-called inherent defects of delinquents. As a result, emphasis has been placed on the various social processes, including those characteristic of the juvenile justice system itself, which serve to isolate and to deny access to socially acceptable roles to many young people, especially those who become labeled as society's misfits.

Third, the movement has accepted the view that underlying social conflict is characteristic of wide variety of adult-child relationships in modern society. Further, the movement seems aware that perhaps no better illustration of how adults dominate and coerce young people can be found than in the day-to-day workings of the juvenile justice system. Here the ultimate sanction of the state is applied to youth who have been defined by the adult world as troublemakers.

Fourth, critics and skeptics of traditional juvenile justice programs and practices have accepted as fact that, based on the best existing evidence, no effort to rehabilitate delinquents or to prevent delinquency seems to work very well. Further, it is believed that the deeper young offenders are brought into the juvenile justice system, the fewer are their chances for eventual rehabilitation. Within this framework, of course, commitment to a training school for a juvenile is considered the very end of the line, and the most harmful disposition a judge can make of his case.

Fifth, and lastly, critics have recognized the social class and racial dimensions of the juvenile justice system.

That is, they realize that juvenile courts and juvenile courrectional agencies deal essentially with the children of the poor and with minority group children. This occurs not because such children commit more illegal acts than the children of more affluent and influential groups, but because the latter possess alterantive child-care systems which largely eliminate the need for the intervention of the juvenile justice system. By definition, the poor and the minorities have no such assets, or if they do, are seldom in a position to have them accepted by officials as suitable alternatives to official care.

In sum, critics of the juvenile court and of juvenile corrections are aware that these systems as presently constituted have gross and serious deficiencies which work great harm on the young people touched by them; that the greatest damage of all is done to those juveniles who are committed to training schools, which constitute the custodial heart of the juvenile corrections system; and finally, that both systems deal essentially with the children of the poor and disadvantaged, while other child-care systems are activated to meet the needs of troublemaking juveniles from the more influential classes.

Based on these definitions of reality, a national effort has commenced to find new strategies to provide services for the clientele of the jvuenile court and of juvenile corrections. Two ideas dominate this effort. The first is that as many cases as possible should be prevented from entering the juvenile justice system before they make a court appearance. The second

is that, subsequent to court, as many cases as possible should be dealt with by a variety of community-based alternatives rather than by being processed into the traditional system and, perhaps, ultimately being committed to large congregate institutions. By following these two policies, a maximum number of youth would be diverted from entering the system at all, while at the same time a maximum number of those who have reached court would be prevented from penetrating too deeply into the core of the system.

Both policies obviously require that satisfactory alternative arrangements be made for those juveniles requiring some sort of service who have either been diverted from court or prevented from penetrating too deeply into the corrections system. And this has not proven to be an easy task. Yet the challenge is being picked up in a variety of jurisdictions. Here in Massachusetts, for example, the need to meet this challenge immediately and in a large-scale way was precipitated by the calculated decision to close down the state training schools and to develop less destructive alternatives on a crash basis.

Clearly, any such drastic restructuring of the juvenile justice system, whether done over time or on a crash basis, raises many questions. Problems of funding and of staffing alternative programs come immediately to mind, as do problems concerning program substance and sponsorship. Then there are questions bearing on strategies for handling the various types of opposition which is bound to arise - for example, opposition from the staffs of institutions which are phased out or closed,

opposition from those who believe in close custodial care for offenders, both adult and juvenile alike, and opposition from various legislative and other governmental factions which may disagree for any number of reasons, including those of party interest. The list of questions becomes very long indeed.

One limitation involved in improving the present juvenile justice system seems, however, to warrant special mention. Bssically this system provides care to the children of the poor and the disadvantaged who have been officially defined as troublesome. Similar children from more influential groups receive care from alternative child-service systems and are shielded from the consequences of contact with a publicly operated justice system. How can any publically operated system afford the same advantages to the children of the poor who have been defined as troublemakers as those offered by the alternative system used by more influential groups to their clientele?

The very statement of the question suggests the inescapable answer. No real solution seems possible. Public care for the poor seems inevitably to work more hardships on its recipients than private care for the rich. The juvenile justice system is inherently discriminatory, not by design byt by consequence. These realities underscore the wisdom of a public policy that stresses diversion from the juvenile justice system and the avoidance of penetration into the system for as many children as possible. Viewed from this perspective, unless designed as an instrument of social repression, any policy which does not seek to establish less ruinous substitutes for

traditional juvenile correctional programs, especially those represented by large congregate institutions, is simply unacceptable.

ADDENDUM A

Statement of Access to the Record

ADDENDUM

A. Statement of Access to the Record of the May, 1976, Public Hearings of the Attorney General's Juvenile Justice Task Force.

1. On May 5 and 6, 1976, hearings were held in the State Office Tower, in Columbus, by the Subcommittee on Status Offenders, in a public forum. Witnesses present in order of appearance, included the following:

Joseph White
Academy for Contemporary Problems

Judge George Forrest
Ohio Association of Juvenile Court Judges

Jim Buckley
Ad Hoc Committee on Status Offenders

Judge Olive Holmes
Hamilton County Juvenile Court, Cincinnati

Ray Johnson
Multi-County Juvenile Attention System, Canton

Pete Culver
AFL-CIO, NCCD, Terre Haute, Indiana

Dorothy Neely
Columbus Police Department
Ohio Association of Police Juvenile Officers

John Strahan
Ohio Association of Secondary School Principals

Doug McCord, Huckleberry House, for
James Mueller, Ohio Association of '648' Boards

James Imfeld
Butler County Juvenile Dentention Center

Maury Breslin
Ohio Association of Group Homes

Ron Studebaker
Administration of Justice Division

Alex Repaski
Youth Counselor, Toledo

Ervin Walther
Ohio Council of Churches, Juvenile Rights
Task Force

Professor James Carr
University of Toledo Law School

Curtis Richardson
National Association of Black Social Workers

Dr. Edward Jirik
Ohio Education Association

Alyce Boyd
Cincinnati Human Relations Commission

Tim Banfield
Psychologist, Columbus

Jack Baumeister
Franklin County Status Offender Project

Raymond Robinson
Youth Services Bureau, Portsmouth, Ohio

Frank Levstik
Ohio Historical Society

Len Ford
Ohio Citizens Council

2. On May 17, 1976, hearings were held in the State Tower, in Columbus, by the Subcommittee on Delinquent and Dangerous Offenders, in a public forum. Witnesses present, in order of appearance, included the following:

Jack McCormick
Bureau of Criminal Identification and
Investigation
London, Ohio

Judge David Grossman
Hamilton County Juvenile Court, Cincinnati

Judge Angelo J. Gagliardo
Cuyahoga County Juvenile Court, Cleveland

Joseph White
Academy for Contemporary Problems

Earl Smith
Ohio Association of Chiefs of Police

Benson Wolman
Ohio American Civil Liberties Union

Professor James Carr
University of Toledo College of Law

A verbatim transcription of the record of testimony from both public hearing is on file in the Office of the Attorney General of Ohio for public inspection.

ADDENDUM B

Disclosures of Costs and Expenditures

ADDENDUM

B. Statement of Disclosure of Costs and Operations of the Attorney General's Juvenile Justice Task Force and Project.

1. Task Force conferences, food and lodging, travel and mileage expenses ----------$ 3,649.37

2. Staff salaries and personal service contracts ----------$45,200.00

$48.849.37*

*(Figures are for the period September 1975 to September 1976, and do not include the cost of printing the Task Force Report nor the use of office supplies, equipment, or mailing as part of the operations budget of the Office of Attorney General. The Task Force returned over $7,000.00 to the Office unused, while the total $48,849.37 represents some $20,000.00 less than the original projected budget for the Project and Task Force combined.)

ADDENDUM C

Curriculum Vitae: Members and Staff

1. Membership of the Task Force:

Honorable John G. Hunter of Upper Sandusky, Chairman of the Attorney General's Juvenile Justice Task Force, is the presiding judge of the Court of Common Pleas and the Juvenile Court of Wyandot County. He is among the youngest members of the state's judiciary and been a leader in the development of county-wide foster homes and volunteer programs for youth. He is a member of the Ohio Association of Juvenile Court Judges and a graduate of the National College for State Judiciary. He is a former municipal prosecutor and an experienced practicing attorney and holds the Juris Doctor degree from the Ohio Northern University College of Law.

Clifford A. Tyree, Vice Chairman of the Task Force, is the Administrator of the Youth Services Bureau of the City of Columbus. He has served as Columbus Community Relations Director and Supervisor of the Delinquency Section of the Franklin County Juvenile Court, and as a probation officer. He is Vice President of the Columbus Area Civil Rights Council and a National Board Member of the American Lutheran

Church Service Division. He is a graduate of the Ohio State University and has received over 20 awards for his community service.

Honorable William G. Batchelder of Medina is a member of the State House of Representatives. He is an experienced practicing attorney and distinguished member of the Republican leadership. He holds the J.D. degree from the Ohio State University College of Law, and is a member of the Ohio Criminal Justice Supervisory Commission.

Honorable Thomas M. Bell, of Cleveland, at age 25 is a member of the Ohio House of Representatives. Representative Bell has been an outspoken advocate for minority causes, and serves on the House Education, and Ways and Means Committees among others. He has operated private security firms in the Cleveland area. He is a graduate of Cuyahoga Community College and of Wilberforce University.

Candace R. Cohen was formerly a juvenile defense attorney with the Toledo Legal Aid Society and a member of the Lucas County Juvenile Justice Committee. She is now an Assistant County Prosecutor. She holds the J.D. degree, with

honors, from the George Washington University National Law Center and assisted with the work of the Ohio Task Force on the Equal Rights Amendment.

Lee C. Falke of Dayton is the Prosecuting Attorney of Montgomery County. He is a past president of the State Association of Prosecuting Attorneys and vice president of the National District Attorneys Association. He is a member of the Law School Board of the University of Dayton and member of the Ohio Citizens Council. He holds the J.D. degree from the Ohio State University College of Law, and is a member of the Advisory Board to the Dangerous Offender Project at the Academy for Contemporary Problems.

Reverend John Frazer of Columbus has served for six years as the Executive Director of the Metropolitan Area Church Board. He is an alumnus of the University of Illinois, Livingston College, and Hood Theological Seminary, and served previously as pastor of the A.M.E. Zion Church, Columbus. He serves as a member of the Franklin County Criminal Justice Committee, and the Columbus Police Community Relations Committee. Rev. Frazer is a leader in ecumeni-

cal activities and serves on the Commission on Ecumenism of the National Council of Churches.

Joan Lees of Elyria is the State Director for Criminal Justice and Juvenile Justice for the Ohio League of Women Voters. She holds the M.A. degree from Case Western Reserve University, Cleveland. She is the author of publications including "Ohio Corrections in the 1970's" (1974), and "Women in Prison" (1976). She is a member of the Elyria Education Task Force.

Martin G. Lentz is Chief of Police for the City of Cleveland Heights. He holds the degree Doctor of Law from the Cleveland Marshall Law School. He is a member of the Ohio Chiefs of Police Association and is Chairman of the Cuyahoga County Bar Association Committee on Ethics. He has practiced before the United States Supereme Court, and has taught at the Case-Western Reserve University and the Ohio Police Officers Training Academy.

John H. Mason (Chairman of the Status Offender Subcommittee) is Director of the Sargus Juvenile Center in St. Clairsville. He is a co-founder of the Ohio Association of Regional Juvenile

Justice Programs, and serves on national juvenile detention standards committees. He was a principal author of 1976 Ohio legislation providing state subsidies to regional juvenile treatment programs. He has presented seminars at the National Juvenile Detention Association 1976 Conference, in Denver. He holds a master's degree in theology from Wittenburg University and is a candidate for the Ph.D. degree in counseling at West Virginia University, and is an instructor of sociology at the Belmont Technical College.

Malvin B. McLane is the Deputy Director for Correctional Services of the Ohio Youth Commission and is a member of the American Correctional Association. He supervises the operation of Ohio's 10 state juvenile correctional institutions. He has been superintendent of major juvenile correctional facilities in two states and is presently a member of the Advisory Board of the Hanna Neil Home for Children. He has worked in juvenile corrections since 1946, and holds a master's degree in social work from the College of William and Mary, in Virginia.

Barbara Mendel is chairperson of the juvenile justice committee for the National Council of Jewish Women, Columbus Chapter. She is a member of the Ohio Committee on Crime and Delinquency, the Justice Committee of the League of Women Voters, and the Ohio Ad Hoc Committee on Status Offenders, and is a graduate of the Ohio State University.

Mary Lynne Musgrove is currently employed as a counselor by Jewish Family Service in Columbus. She has formerly served as the employment director for the Central Ohio Seventh Step, a rehabilitation program operated mainly by ex-convicts in the correctional facilities at Lucasville, Chillicothe, Marysville, and Junction City. She has also served as Coordinator of Project Outward Bound, in which she taught Ohio State University students how to counsel in the correctional facilities at Mansfield and Lebanon. She is author of "Career Education in Correctional Settings" and holds a master's degree from Ohio State University.

James D. Sanders is the Director of AFL-CIO Community Services with the United Way of Franklin County. He is past president of the Labor Education Committee and has been a member and officer of several unions since 1950. He is a member of the Industrial Relations Research Association, The United Labor Leaders Council (AFL-CIO-UAW-Teamsters) and a member of the Union Counselors Association. He is an alumnus of the Ohio State University and an instructor at the UAW Family Education Center and the Ohio University Summer Program.

Honorable Cliff Skeen of Akron is a member of the Ohio House of Representatives, first appointed in 1975 and elected to a full term in 1976. Previously he has served as liaison for the National Council on Crime and Delinquency for juvenile justice projects throughout the northeastern states. He has served as the Community Services Director for the Akron Labor Council, and as AFL-CIO representative to the United Way Program in Summit County. He is president of the board of the Community Action Council, and he serves on the House Human Resources and Education Committees, among others.

Honorable Walter L. White of Lima is a member of the State Senate and the Senate Committees on the Judiciary, Ways and Means, and Local Government. He served eight terms in the State House of Representatives and as assistant floor leader for the Republican majority. He has served as an assistant county prosecutor and holds degrees from Oberlin College and the Ohio Northern University Law School. He has served on the Ohio Constitutional Revision Commission, the Ohio Legislative Services Commission, and the Tax Study Commission.

Professor Robert J. Willey teaches juvenile law at the Cleveland State University College of Law. He has served on the law faculties at the University of Akron, and at Ohio Northern University. He holds the J.D. from the University of Nebraska and LL.M. degree from New York University. He has served as a member of the Summit County Little Hoover Commission, the Advisory Board to the Dangerous Offender Project at the Academy for Contemporary Problems, and was formerly a consultant to the Ohio Crime Commission.

Sister Lois Zettler (Chairperson of the Delinquent and Dangerous Offender Subcommittee) is a Sister of the Dominican Order. She is a teacher of social studies at Catholic Central High School in

Steubenville. She is a graduate of the Ohio Dominican College and holds a master's degree from the University of Wisconsin in American history. She has worked in urban community corrections programs and has served as a member of the Ohio Catholic Conference on Prison Reform.

Honorable Neal F. Zimmers, Jr., of Dayton is a member of the State Senate. He received the L.L.B., with honors, from the George Washington University Law School. He served as the youngest elected county judge in Ohio history. He has served on the Supervisory Council on Crime and Delinquency in Dayton, and as chairman of the Dayton Consumer Protection Council. He was named Outstanding Young Man of the Year by the Ohio Jaycees in 1974, and is a member of the Ohio Democratic Party.

2. Members of the staff:

David J. D'Aquila is Special Assistant to the Attorney General of Ohio, and serves as Director of the Juvenile Justice Project. He has served in several state agencies in the 1970's including as the Director of Communication for the Ohio Youth Commission. He has served with the Ohio Department of Economic and Community Development, Administration of Justice Division, and the Governor's Criminal Justice Supervisory Commission. Previously he has worked for newspapers and broadcasting stations, and as a communication consultant, and for political campaigns in West Virginia and Ohio. He is 26 years old, holds a master's degree from the Ohio State University, and is a night student at the Capital University Law School, Columbus.

Lawrence T. Curtis is an Assistant Attorney General of Ohio in the Division of Criminal Activities. He served as legal counsel to the Task Force as the project's Legal Director. He previously served as counsel to the Lucas County Children's Services Board, and was the Attorney General's representative at the 1976 National Conference on Juvenile Justice in New Orleans. He is an alumnus of the University of Michigan and the University of Toledo. He holds the J.D. degree from the University of Toledo College of Law.

Doretta L. Petree is an Administrative Assistant in the Office of the Attorney General. She has served as the Juvenile Justice Project's Research Director. She assisted in the 1975 Ohio Juvenile Detention Survey published by the Center for the Study of Crime and Delinquency at Ohio State. She was a public school teacher and for seven years she was an investigative probation officer at the Juvenile Court of Cuyahoga County, in Cleveland. She has co-authored an article which will appear in the March, 1977, issue of the Academy of Management Journal. She is an alumnus of Baldwin-Wallace College and The Ohio State University, and holds a master's degree from The Ohio State University School of Public Administration.

Linda J. Mosley has served as an Administrative Aide and Secretary for the Task Force and the Project staff. She has served with several divisions within the Office of the Attorney General including the Civil Rights Section and with the Charitable Foundations and Financial Institutions Sections. She has served as Secretary to the Chief Counsel to the Attorney General. She is 25 years old, and an alumnus of the University of Cincinnati.

BIBLIOGRAPHY

Books

Bakal, Yitzhak, Closing Correctional Institutions. Lexington, Massachusetts: D. C. Heath and Co., 1973.

Besharov, Douglas J., Juvenile Justice Advocacy--Practice in a Unique Court. Vol. 4; 2d ed.; New York: Practising Law Institute, 1974.

Council of Judges of the National Council on Crime and Delinquency, Model Sentencing Act (2d ed.); Hackensack, N.J.: The National Council on Crime and Delinquency, 1972.

Curtis, Lynn H., Criminal Violence. Lexington, Mass.: Lexington Books, D.C. Heath and Co., 1975.

Davis, Samuel M., Rights of Juveniles: The Juvenile Justice System. New York: Clark Boardman Company, Ltd., 1974.

Dineen, John. Juvenile Court Organization and Status Offenses: A Statutory Profile. Pittsburgh, Pa.: National Center for Juvenile Justice, Dec. 1974.

Faust, Frederic L. and Brantingham, Paul J., Juvenile Justice Philosophy. St. Paul, Minnesota: West Publishing Co., 1974.

Johnson, Thomas A., Introduction to the Juvenile Justice System. St. Paul, Minnesota: West Publishing Co., 1975.

Open Doors: An Inventory of Social Services for Youth in Cuyahoga County. Columbus, Ohio: The Academy for Contemporary Problems, 1975.

Open Doors: An Inventory of Social Services for Youth in Franklin County. Columbus, Ohio: The Academy for Contemporary Problems, 1975.

Milligan, John R., Jr., West's Ohio Practice, Family Law. Vol. 13; St. Paul, Minnesota: West Publishing Co., 1975

Murphy, Patrick T. Our Kindly Parent . . . The State: The Juvenile Justice System and How It Works. New York: Viking Press, 1974.

Rector, Milton G., PINS Cases: An American Scandal. Hackensack, N.J.: National Council on Crime and Delinquency, Nov. 1974.

Sarri, Rosemary and Levin, Mark. M., Juvenile Delinquency: A Study of Juvenile Codes in the U.S.; Ann Arbor, Mich.: Univ. of Michigan, 1975.

Status Offenders: A Working Definition. States' Criminal Justice Information and Assistance Project, The Council of State Governments; Lexington, Kentucky: The Council of State Governments, Sept. 1975.

Thompson, James D., Organizations in Action. New York: McGraw-Hill Book Co., 1967.

Weick, Karl E., The Social Psychology of Organizing. Reading, Massachusetts: Addison-Wesley Publishing Company, 1969.

Wilson, James Q. Thinking About Crime. New York: Basic Books, 1975.

Wolfgang, Marvin. Delinquency in a Birth Cohort. Chicago, Ill.: Univ. of Chicago, 1972.

Articles and Periodicals

"A Drive to Make High-School Diplomas Mean Something," U.S. News and World Report, (June 21, 1976).

"An Ex-Street Gang Hood, Now on the Bench, Urges a Better Deal for Juvenile Offenders," People, (V, 25, June 28, 1976), pp. 62-67.

"As Parents' Influence Fades--Who's Raising the Children?," U.S. News and World Report, (October 27, 1975).

Bennett, Robert F. "Families in Stress, Children in Peril," Compact, (Summer 1976), pp. 13-16.

Binder, Arnold. "Putting the Rod Back in Parental Hands," Los Angeles Times, July 21, 1976.

Brooks, Sylvia. "Human Services Panel Suggests Overseer Unit," Columbus Citizen Journal, Aug. 28, 1976.

Chambers, Marcia. "Radical Changes Urged in Dealing with Youth Crime," New York Times, Nov. 30, 1975.

"Coming: Tougher Approach to Juvenile Violence," U.S. News and World Report, (June 7, 1976), pp. 65-67.

"Completion of Federal Juvenile Justice Standards Delayed," Youth Alternatives, (II,9,Sept. 1975), p. 9. (A publication of the National Youth Alternatives Project, Washington, D.C.)

Cottle, Thomas J. "Teen-Ager in Jail: "Didn't Even Have No Toilet'," Los Angeles Times, July 21, 1976.

"'Critical' Youth Crime Problem is Feared," Columbus Citizen Journal, May 26, 1975.

"Current Statutes on Youth Create a 'Jungle' for Runaways, OYD Study Says," Youth Alternatives, (II,9,Sept.1975), pp.1-2.

DeCecco John P. and Richards, Arlene K. "Civil War in the High Schools," Psychology Today, (Nov. 1975), pp. 51-56 and 120.

Dershowitz, Alan. "Let the Punishment Fit the Crime," New York Times Magazine, (Dec. 28, 1975).

"Dropouts and Pushouts, The 2.4 Million Children Who Aren't In School," U.S. News and World Report, (March 22, 1976), pp. 43-44.

Eitzen, D. Stanley. "The Effects of Behavior Modification on the Attitudes of Delinquents," Behaviour Research and Therapy, (XIII, 1975), pp. 295-99. (Pergamon Press, Great Britain.)

"Family Problems Could Go Back Generations," Times-Leader (Martins Ferry and Bellaire, Ohio), June 9, 1976. (New York Times Service).

Footlick, Jerrold K., Howard, Lucy, Agrest, Susan, and Greensberg, Peter S. "Children and the Law," Newsweek, (Sept. 8, 1975), pp. 66-71C.

"Future Neighbors Picket Juvenile Site," The Columbus Dispatch, June 24, 1976.

"Getting Tough and Going Easy on Crime in New York," New York Times, Dec. 14, 1976.

Graham, Victoria. "Juvenile Justice Hangs in Balance," The Plain Dealer (Cleveland), April 18, 1976.

Greenfield, Meg. "Death by Friendly Fire," Newsweek, (April 12, 1976), p. 112.

"Group Says Drop Age for Compulsory Education," Compass, (I,6, Feb. 1976), p. 1. (A publication of the Ohio Committee on Crime and Delinquency of the Ohio Citizens' Council).

"Groups Move to Deal With 'Unruly Child' Issue," Compass,(I,6, Feb. 1976), p. 1.

Hand, Heidi. "Theft Most Frequent Offense by Juveniles," Cincinnati Enquirer, March 16, 1976.

"Juvenile Changes Urged," The Columbus Dispatch, Dec. 19, 1975, p.

"Juvenile Program Expansion Outlined," Times-Leader (Martins Ferry and Bellaire, Ohio), April 28, 1976.

Kennedy, Sen. Edward M. "No More Crime Without Punishment," National Bar Examination Digest, (1976 ed.), pp. 2-7.

Kidney, James A. "Child vs. Parent: What Role for the Law," UPI, Washington, D.C.

"Lack of Juvenile Abuse Information Scored," Cincinnati Enquirer, March 10, 1976.

Lease, Carol Ann. "'Troubled' Boy Causes Trouble for the State," The Columbus Dispatch, March 30, 1976.

"Legal Rights Still Cloudy for 18-Year Olds," U.S. News and World Report, (March 8, 1976).

Levitch, Joel A. and Vlock, Laurel R. "Keeping Our Children Out of Jail," The Washington Post, (Dec. 28, 1975).

Lore, David. "Basic Flaws Plague Ohio Youth Officials," The Columbus Dispatch, July 29, 1975.

_____. "Lack of Funding Hampers Ohio Youth Commission," The Columbus Dispatch, Dec. 26, 1975.

_____. "Overcrowding Is Problem at Columbus Youth Center," The Columbus Dispatch, July 28, 1975.

Lozanoff, Paul. "Mental Health Planning for Children: A Process Disorder," Hospital and Community Psychiatry Journal, (March 1976).

"Mandatory Sentences: Two Views," Compass, (I,2, July 1975), p.1.

"Miller's Method," Time, (August 30, 1976), p. 63.

"Minors Accorded Due Process," Mental Disability Law Reporter, (Jan. 1976), pp. 1 and 4. (A publication of the Commission on the Mentally Disabled of the American Bar Association.)

Modic, Bob. "Ohio Cheats Children on Health, Study Finds," The Cleveland Press, April 1, 1976.

Morgan, Ted. "They Think, 'I Can Kill Because I'm 14'," New York Times Magazine (Jan. 19, 1976), p. 26.

Moritz, Frederic A. "States Try to Coordinate Services For Children," The Christian Science Monitor, (Nov. 24, 1975).

"New Juvenile Directons," The Cincinnati Post, March 13, 1976.

"New York Juvenile Center Boys Seem to Be Just Marking Time," Times-Leader (Martins Ferry and Bellaire, Ohio), March 8, 1976. (New York Times Service).

"Next 25 Years--How Your Life Will Change," U.S. News and World Report, (March 22, 1976), pp. 39-42.

"Police Experts Debate Hike in Crime Rate," The Columbus Dispatch, Jan. 4, 1976.

"Pulling Off a Job," Newsweek, (Sept. 6, 1976), p. 31.

"Punishing the Young," Citizen Journal (Columbus, Ohio), Dec. 9, 1975.

"Removing Status Offenders From Prison: Often a Question of Politics," Youth Alternatives, (II,9, Aug. 1975), pp. 1-2.

"Revolving-Door Juvenile Justice," Toledo Blade, April 20, 1976, p. 16.

Rubin, Sol. "Children As Victims of Institutionalization," Child Welfare, (LI, 1, 1972).

"School Violence," Parade, (March 7, 1976), p.24.

Serrill, Michael S. (ed.), Corrections Magazine, (II, 2, Nov.-Dec. 1975), pp. 3-40.

Shutt, David. "Full Use of New Juvenile Center Hampered," Toledo Blade, March 23, 1976.

Sitomer, Curtis J. "Juvenile Crime Targeted in California," The Christian Science Monitor, (1976).

"Supervisory Commission Reorganized," Compass, (I,5, Nov. 1975), p. 1.

Thennes, Mark, "States Begin Planning Under Juvenile Justice Act," Youth Alternatives, (II,9, Sept. 1975), p. 2.

The Practitioner, 9,II, 2, April 1976). (A publication of the Research Department of the National Association of Secondary School Principals.)

Thompson, Edward K. (ed.), Smithsonian, (VII, 4, July 1976).

Treaster, Joseph B. "Justice for the Young: Unjust," New York Times, March 21, 1976.

"Truancy Laws Defended," Akron Beacon Journal, April 15, 1976.

"Undercutting the Judiciary," Toledo Blade, August 19, 1975.

"Unruly Child: Controversy Surrounds Juvenile 'Non-Criminals'," Compass, (I,1, June 1975), pp. 2-3.

"Unruly Youths Get Help," The Columbus Dispatch, June 8, 1976.

"Violence, Fear--and Freedom," Columbia Journalism Review, (July-Aug. 1976), pp. 10-11.

"Welfare Mess: Any Hope of Solution?," U.S. News and World Report, (June 7, 1976), pp. 33-38.

Wenk, Ernst A. and Emrich, Robert L. "Assaultive Youth: An Exploratory Study of the Assaultive Experience and Assaultive Potential of California Youth Authority Wards," Journal of Research in Crime and Delinquency, (IX,2, July 1972), pp. 171-96.

White, Joseph L. "Viewpoint: A Planner Assesses Trends in Crime Control," Criminal Justice Newsletter of the National Council on Crime and Delinquency, (July 1975).

Wicker, Tom. "The Puzzle of Crime by Kids," New York Times Service, July 1976.

Wolynski, Myra. "Confessions of a Misspent Youth," Newsweek, (August 30, 1976), p. 11.

"Yesterday's 'Baby Boom' Is Overcrowding Todays Prisons," U.S. News and World Report, (March 1, 1976), pp. 65-67.

"Youth Commitment Hits Record Level," The Columbus Disptach, Dec. 22, 1975.

"Youths' Lost Anchor," The Columbus Dispatch, July 4, 1976.

Legal Journals

Baumgart, Split Calendar Sifts Out Dangerous Offenders, 4 Trial 13 (1968).

Boggs, Sentencing Under the Federal Youth Corrections Act: The Interpretive Conflict Concerning Judicial Discretion, 23 Catholic U. L. R. 574 (1974).

Chase, Schemes and Visions: A Suggested Revision of Juvenile Sentencing, 51 Texas L. Rev. 673 (1973).

Comment, Juvenile Offender, Where Can We Send Him? 2 Fordham Urban L. J. 245 (1974).

Courtade, Trial of Juveniles As Adults, 21 Baylor L. Rev. 333 (1969).

Editorial Comment, Youthful Offenders and Adult Courts: Prosecutorial Discretion vs. Juvenile Rights, 121 U. Pa. L. Rev. 1184 (1973).

Eves, Due Process, Equal Protection and Nebraska's System Allowing the County Prosecutor to Determine Whether a Juvenile Will Be Tried As An Adult, 7 Creighton L. R. 223 (1974).

Kaufman, Of Juvenile Justice and Injustice, ABAJ 730 (1976).

Mountford & Berenson, Waiver of Jurisdiction: The Last Resort of the Juvenile Court, 18 U. Kan. L. Rev. 55 (1969).

33 O Jur 2d, Juvenile Courts Section 1 et seq.

Parker, Juvenile Delinquency Transfer of Juvenile Cases to Adult Courts--Factors To Be Considered Under the Juvenile Delinquents Act, 48 Can. B. Rev. 336 (1970).

Ranzel, Juvenile Justice; A Need to Re-examine Goals and Methods, 5 Capital L. Rev. 149 (1976).

Resteiner, Delinquent of Criminal: The Problems of Transfer of Jurisdiction, 24 Juvenile Justice 2 (1973).

Stanley, Lefever & Rice, The Aggressive Middle-Class Delinquent, 57 J. Cr. L. 145 (1966).

Wright, Waiver of Juvenile Jurisdiction and the Hard Core Youth, 51 N. D. L. Rev. 655 (1975).

Reports

California Youth Authority. The San Diego Detention Control Study: August 1974 to July 1975. Sacramento, Calif.:California Youth Authority, Dec. 1975.

Calog, Judy. Issues on Status Offenders. A Report Prepared for the New York State Division for Youth for The Council on Corrections of the National Council on Crime and Delinquency. Nov. 1974.

Commonwealth of Massachusetts. Final Revision of Task Force Report on Children and Family Services Reorganization. Publication No. 8759-123-125-3-76-CR. Commonwealth of Masschusetts: March 1976.

Gilman, David. How to Retain Jurisdiction Over Status Offenses: Change Without Reform in Florida. A Report prepared for the National Council on Crime and Delinquency. Columbus, Ohio: The Ohio State University, Sept. 1975.

Grandfield, James J., Cooper, William J., Milligan, Richard S., and Petree, Doretta Lou, Ohio Juvenile Detention Study. Columbus, Ohio: Program for the Study of Crime and Delinquency, The Ohio State University, 1975.

Holland, Thomas P. et al. Ohio Children's Budget Project: A Public Policy Study. A Report Prepared for The Cleveland Foundation. Cleveland, Ohio: School of Applied Social Sciences, Case Western University, Sept. 1975.

Joint House-Senate Finance Subcommittee. Report of the Joint Finance Subcommittee on the Southern Ohio Correctional Facility at Lucasville. Columbus, Ohio, July 28, 1976.

National Center for Juvenile Justice. Juveniles As Criminals. A Report Prepared for the State of New York Office of Court Administration. Pittsburgh: National Center for Juvenile Justice, 1975.

National Institute of Mental Health. Teenage Delinquency in Small Town America. A Report prepared for the U.S. Department of Health, Education, and Welfare, Public Health Service; Research Report--5; DHEW Publication No. (ADM) 75-138. Washington, D.C.: U.S. Government Printing Office, 1974.

Office of the Attorney General (California). Report of the Attorney General's Task Force on Juvenile Justice. A Report prepared for the Office of the Attorney General, State of California. Sacramento, Calif: Office of the Attorney General, Jan. 1975.

Ohio Department of Economic and Community Development. Crime Prevention: A Citizen's Handbook. Columbus, Ohio: Department of Economic and Community Development, 1974.

Ohio Department of Economic and Community Development. Toward A Safer, More Just Society. Columbus, Ohio: Department of Economic and Community Development, 1973.

Ohio Department of Economic and Community Development. We, the People--A Status Report on Crime Control and Criminal Justice, 1974. Columbus, Ohio: Department of Economic and Community Development, 1974.

Ohio Joint House-Senate Finance Subcommittee. Report of the Joint Finance Subcommittee on the Southern Ohio Correctional Facility at Lucasville. Columbus, Ohio, July 28, 1976.

Ohio Legislative Service Commission. Ohio's Juvenile Correction System. Staff Research Report No. 83 by Mosure, Jeanne L., Chance, William, Dutro, Hubert C. and Bricker, Jack L. Columbus, Ohio: Legislative Service Commission, 1967.

Ohio Department of Mental Health and Mental Retardation. Annual Financial and Statistical Report, Fiscal Year 1975. Columbus, Ohio: Bureau of Statistics, Division of Management Services, Ohio Department of Mental Health & Mental Retardation, 1975.

Ohio Department of Mental Health and Mental Retardation. Annual Statistical Report, County Board (169) of Mental Retardation, Fiscal Year 1975. Columbus, Ohio: Fiscal Control Section, Division of Management Services, Ohio Department of Mental Health & Mental Retardation, 1975.

Ohio Department of Mental Health and Mental Retardation, 1973 Ohio Juvenile Court Statistics. Columbus, Ohio: Bureau of Statistics, Division of Management Services, Ohio Department of Mental Health and Mental Retardation, 1974.

Ohio Department of Public Welfare. 1975 Annual Report. Columbus, Ohio: Department of Public Welfare, 1976.

Ohio Department of Public Welfare. Ohio Public Welfare Statistics, Child Welfare Service, Jan. to Mar. 1975, Apr. to June 1975, July to Sept. 1975, and Oct. to Dec. 1975. Columbus, Ohio: Ohio Department of Public Welfare, 1975-76.

Ohio Department of Urban Affairs. Ohio Task Force on Corrections Report. Columbus, Ohio: Department of Urban Affairs, 1971.

Ohio Youth Commission. Annual Report 1975. Columbus, Ohio: Office of Data Processing, Ohio Youth Commission, 1976.

Ohio Youth Commission. Youth In Trouble: A Report from the Commission--The 1973-74 Report. Columbus, Ohio: Ohio Youth Commission, 1974.

Government Documents

California, Office of Criminal Justice Planning, Juvenile Justice and Delinquency Prevention Supplement to 1975 California Comprehensive Plan for Criminal Justice, August 1, 1975.

California, Office of Criminal Justice Planning, Juvenile Justice and Delinquency Prevention Supplement to 1976 California State Plan, Feb. 27, 1976.

Ohio Department of Economic and Community Development, Administration of Justice Division, Ohio's 1976 Comprehensive Criminal Justice Plan, Section D. Annual Action and Multi-Year Plan, 1976.

_____, Ohio's Directives on Criminal Justice Planning and Project Development, FY 1976, Jan. 1975.

_____, Ohio's Directives on Criminal Justice Planning and Project Development, FY 1977 Dec. 1975.

_____, Plan Supplement Document for Funding Under the Juvenile Justice and Delinquency Prevention Act of 1974, FY 76, M4100. 1D, Dec. 1975.

Ohio Department of Education, Division of Special Education, Amended Annual Program Plan for Fiscal Year 1976 Under Part B, Education For All Handicapped Children Act As Amended By P.L. 94-142 (93380). 1976.

U.S., Congress, Senate, Committee on the Judiciary, Hearings Juvenile Confinement Institutions and Correctional Systems, 92d Cong., 1st Sess., 1971.

_____, Preliminary Report of the Subcommittee to _____ 93d Cong., 1st Sess., April 1975.

_____, Subcommittee to Investigate Juvenile Delinquency, Juvenile Delinquency, 93d Cong., 1st Sess., Pursuant to S. Res. 56, Sect. 12, 1975.

U.S., Congressional Record, 94th Cong., 1st Sess., 1975, Vol. 121, No. 59. (S. 1440 introduced).

U.S., Congressional Record, 94th Cong., 1st Sess., 1975, Vol. 121, No. 87. (June 5, 1975, in re S 9685)

U.S., Congressional Record, 94th Cong., 1st Sess., 1975, Vol. 121, No. 107. (July 9, 1975, in re S 12162)

U.S., Department of Justice, Federal Bureau of Investigation, Uniform Crime Reports for the United States 1974 (Washington, D.C.: U.S. Government Printing Office, Nov. 17, 1975).

U.S., Department of Justice, Law Enforcement Assistance Administration, Office of Juvenile Justice and Delinquency Prevention, First Comprehensive Plan for Federal Juvenile Delinquency Programs, March 1, 1976.

_____, Policy and Procedures Division, Financial Management For Planning and Action Grants, M 7100. 1A CHG, Oct. 29, 1975.

Unpublished Material

Curtis, Lawrence T., "Report on the Third National Conference on Juvenile Justice," Summary of the proceedings, New Orleans, Louisiana, March 15 to 18, 1976. Unpublished report, Office of the Attorney General, Columbus, Ohio, 1976.

D'Aquila, David J., "The Juvenile Justice System in Ohio, White Paper No. 1 - Alternatives for Status Offenders," Unpublished paper, 1975.

Halatyn, Thomas V., "Violence Prediction Using Actuarial Methods: A Review and Prospectus," Unpublished paper done for the Research Center of the National Council on Crime and Delinquency, April, 1975.

Halatyn, Thomas V., "Youthful Violence: An Overview of Selected Subtopics" Unpublished paper done for the Research Center of the National Council on Crime and Delinquency, March, 1975.

Martin, William J., "The Establishment of A Department of Children and Youth: A Child Advocacy Program," Unpublished paper, Office of Children's Services, Division of Mental Health, Ohio Department of Mental Health and Mental Retardation, 1975.

Petree, Doretta Lou, "The Interaction of Environment, Structure and Behavior," Unpublished paper, The Ohio State University, 1974.

Sleffel, Linda, "Inventory of Statutes Applicable to Dangerous Offenders," Working draft of a paper for the Dangerous Offender Project of the Academy for Contemporary Problems, Columbus, Ohio, April, 1976.

Testimony

Bayh, Birch, Sen., "Opening Statement At Hearings on School Violence and Vandalism: Causes and Solutions," U.S. Senate, Committee on the Judiciary, Subcommittee to Investigate Juvenile Delinquency, Sept. 17, 1975.

Bayh, Birch, Sen., "Opening Statement At Hearings on School Violence and Vandalism: Nature and Extent," U.S. Senate, Committee on the Judiciary, Subcommittee to investigate Juvenile Delinquency, June 17, 1975.

Testimony of William Bell to the U. S. Senate, Committee on the Judiciary, Subcommittee to Investigate Juvenile Delinquency, June 17, 1975.

Testimony of Candace R. Cohen to the Ohio Task Force for the Implementation of the Equal Rights Amendment, Feb. 22, 1975.

Testimony of Marian Wright Edelman to the U. S. Senate, Committee on the Judiciary, Subcommittee to Investigate Juvenile Delinquency, Sept. 17, 1975.

Testimony of Joseph I. Grealy to the U. S. Senate, Committee on the Judiciary, Subcommittee to Investigate Juvenile Delinquency, April 17, 1975.

Testimony of Jerry F. Halverson to the U. S. Senate, Committee on the Judiciary, Subcommittee to Investigate Juvenile Delinquency, April 17, 1975.

Testimony of Mrs. Walter G. Kimmel to the U. S. Senate, Committee on the Judiciary, Subcommittee to Investigate Juvenile Delinquency, Sept. 17, 1975.

Testimony of Alan H. Levine to the U. S. Senate, Committee on the Judiciary, Subcommittee to Investigate Juvenile Delinquency, Sept. 17, 1975.

Testimony of Robert E. Phay to the U. S. Senate, Committee on the Judiciary, Subcommittee to Investigate Juvenile Delinquency, Sept. 17, 1975.

Testimony of J. William Rioux to the U. S. Senate, Committee on the Judiciary, Subcommittee to Investigate Juvenile Delinquency, Sept. 17, 1975.

Testimony of Harry W. Wilson to the U. S. Senate, Committee on the Judiciary, Subcommittee to Investigate Juvenile Delinquency, June 17, 1975.

Miscellaneous

"Civil Rights of Juveniles," A position paper prepared by the Commission on Education of the Ohio Council of Churches, April 20, 1976.

"Dangerous Offender Project Quarterly Report No. 5, April 1 to June 30, 1976," Academy for Contemporary Problems, Columbus, Ohio, 1976.

Diekhaus, Grace., "Nobody Coddled Bobby," 60 Minutes, filmed for CBS Television Network, (July 6, 1975).

Harris, Louis, "The Emerging Shape of Politics for the Rest of the 1970's", National Conference of State Legislators, Philadelphia, Pennsylvania, Oct. 7, 1975.

Holmes, Olive, "The Future of the Juvenile Court," Speech presented to the Ohio Juvenile Court Judges Association, Sept. 5, 1974.

Johnson, Raymond L. and Mason, John, "Ohio Association of Regional Detention Programs: Basic Elements Proposed for Legislative Action for State Subsidies to Regional Detention Programs," A proposal to the Ohio House of Representatives, Dec., 1975.

_____, "Ohio Association of Regional Detention Programs: The Need for State Subsidies for Operation Costs for Regional Detention Programs," A proposal to the Ohio House of Representatives, Dec., 1975.

"Jurisdiction Over Status Offenses Should Be Removed From the Juvenile Court," A policy statement of the Board of Directors, National Council on Crime and Delinquency, Hackensack, N. J., Dec., 1974.

Letter from Clark R. Law, Executive Assistant, Department of Public Welfare, May 6, 1976.

Letter from Hon. George L. Forrest, President, The Ohio Association of Juvenile Court Judges, Feb. 20, 1976.

Memorandum from Linda Cloud, Chairperson to Members of the Ohio Citizens' Council Task Force on Unruly Children, June, 1976.

Memorandum from William J. Martin, Assistant to the Chief, Office of Children's Services, Division of Mental Health, Ohio Department of Mental Health and Mental Retardation, July 12, 1976.

Memorandum from William Martin, Assistant to the Chief, Office of Children's Services, Division of Mental Health, Ohio Department of Mental Health and Mental Retardation, to Dr. Paul Losanoff, June 16, 1975.

Minutes of April and May Meetings, Dangerous Offender Project, Academy for Contemporary Problems, Columbus, Ohio, 1976.

Minutes of Meeting of Ohio Ad Hoc Committee on Status Offenders, February 23, 1976, Columbus, Ohio.