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# Juvenile Justice: Myths and Realities

SEVEN JOURNALISTS LOOK AT VARIOUS ASPECTS OF  
SERIOUS JUVENILE CRIME

## Getting Tough with Violent Juvenile Offenders

By Wiley Hall



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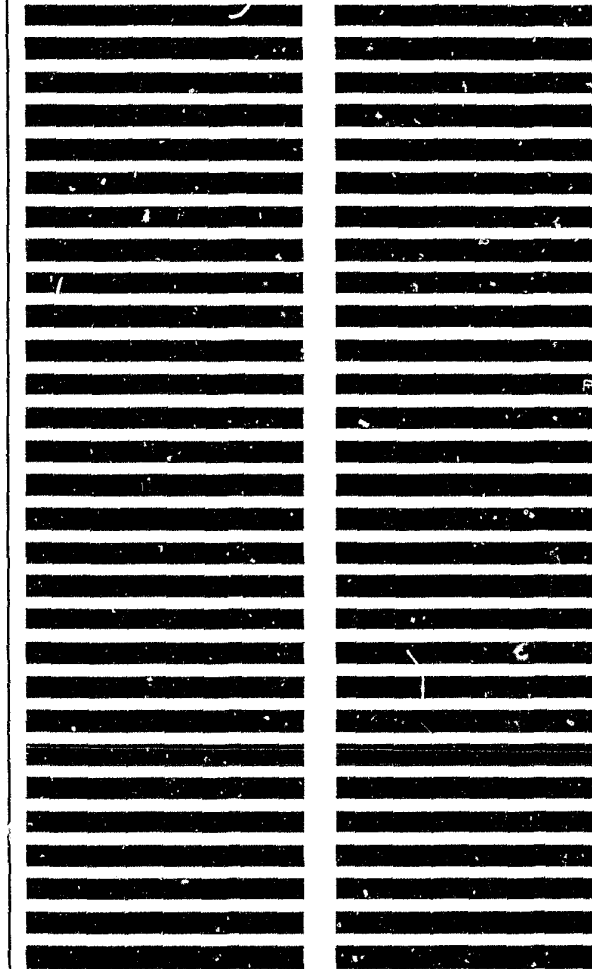
## Girls and the Law

By Charlotte Grimes



## Juvenile Justice in Idaho

By Gary Strauss



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# *Juvenile Justice: Myths and Realities*

SEVEN JOURNALISTS LOOK AT VARIOUS ASPECTS OF  
SERIOUS JUVENILE CRIME

Susan C. Farkas, Editor



A PROGRAM OF THE INSTITUTE FOR EDUCATIONAL LEADERSHIP, INC. WASHINGTON, D.C.

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*Juvenile Justice: Myths and Realities*

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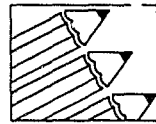
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## PREFACE

Serious juvenile crime has steadily decreased since the mid-1970s. Nevertheless, the public is convinced that we are in the midst of an ever-increasing juvenile crime wave. Spurred by public fear, states across the country have adopted or are considering laws and procedures that will ensure harsher treatment of juveniles who are arrested; and, innovative community-based services are being abandoned.

Citizens and policymakers, in large part, develop their perceptions about crime from what they see and hear in the media. Unfortunately, thorough analyses that explore the complex issues involved in juvenile crime are seldom presented. Thus, perceptions are based on the episodic—often frightening—accounts of the few serious and violent offenses committed by a small number of children and youth.

We sought to learn more about the myths and realities of juvenile crime in this country. In the summer of 1982 The Institute for Educational Leadership competitively selected six outstanding journalists to receive Fellowships enabling each to take a six-week leave of absence to study and report on specific juvenile justice issues. The reporters in all cases determined for themselves what they would look at and what they would say about their experience.

In this monograph we present the news series based on the Fellows' work which appeared in their newspapers in Maryland, Missouri, Idaho, Tennessee, Virginia.

- Wiley Hall's reporting for *The Evening Sun* in Baltimore deals with the most difficult juveniles in the system—those that repeatedly commit serious crimes;
- Charlotte Grimes, in her series for the *St. Louis Post Dispatch*, traces the history of the treatment of girls in the criminal justice system and describes their present status in Missouri and nationwide;
- Gary Strauss' study of incarceration of juveniles in Idaho for *The Idaho Statesman* describes discrepancies in treatment across the state;
- In Woody Register's series for *The Tennessean*, he looks at the status of juveniles in jails and detention centers across Tennessee.
- Leslie Henderson of *The Knoxville Journal* focuses her work on the families of those juveniles in East Tennessee who commit violent crimes. Using a case study approach, she interviews families in an attempt to understand the background of these children and finds them to be surprisingly similar;
- Andy Petkofsky of *The Richmond News Leader* visited Virginia's four

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learning centers or reform schools and presents a multi-faceted picture of this system from the perspectives of the children, staff, administrators, and policymakers;

- Finally, in a special section, we present Margaret Beyers' report of what happens to serious juvenile offenders in the District of Columbia. Beyers, a psychologist with extensive experience as a juvenile justice practitioner, received a small study grant from the journalism program to support her research.

The Fellows in Education Journalism program seeks to strengthen the media's reporting and the public's understanding of education and social service issues by providing journalists with the resources and time to conduct comprehensive studies. Initiated at The Institute for Educational Leadership in 1976 by the Ford Foundation, the program is also sponsored by participating news organizations across the country, other foundations, government agencies, and national organizations. The Juvenile Justice Fellowships were sponsored by the Ford Foundation and The U.S. Justice Department, National Institute of Juvenile Justice and Delinquency Prevention.

It is our hope that this volume will be a step toward dispelling the myths surrounding juvenile crime and justice in this country so that policy and practice can reflect and respond to the realities of young people, their families, and their communities.

*Susan C. Farkas*

Director, Fellows in Education Journalism

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*The Evening Sun*

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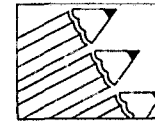
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**Getting Tough with Violent  
Juvenile Offenders**

*A Six-Part Series*



*By Wiley Hall 3rd*



## Young criminals also are victims

He wants to be known as "The Chief," because he is "wild, savage" and because he claims to have Indian blood.

He is compact and muscular. His

### Juvenile crime: myth and reality

eyes are cold, his face set in rock-hard lines like a television gunfighter.

His motto: "The bone don't go to the dog with the loudest bark, but to the dog with the coldest heart."

Alphonse lives by his motto. At 16, he has been arrested twice for aggravated assault, four times for drug violations, and twice for burglary.

He is the kind of youth who stirs fear and anger in the community: violent and cocky, a career criminal who has never been in prison. But, like many youths who victimize society, he also is a victim, the product of a broken home, an alcoholic mother and a violent father.

The fear and anger are at least partly appropriate: While juveniles make up about 14 percent of the population of the state, their arrest

rate is nearly three times higher than that figure. But state juvenile authorities say that is only part of the story: The number of arrests of juveniles has declined as the total number of arrests has risen in the past five years.

Interviewed in a park near Park Heights and Belvedere avenues, he boasts that he has not been to school in a year, that his official record doesn't show half of what he's done.

He lifts his sweatshirt to display a black-handled pistol stuck in his belt. Later, he reaches into his pocket to pull out a bulging wad of \$20 and \$50 bills, the proceeds from a thriving drug trade he conducts.

"Nobody," he says, "messes with me."

He has been committed to juvenile institutions three times. The next time he is arrested, he says, he'll be tried in an adult court, and he could go to prison.

"So, I just won't get caught. And if I do, I can deal. I can deal with anything because I got that psychic strength within me," he says, thumping his chest.

City prosecutors, without commenting on the youth's record specifically, say he is probably right about his next arrest. Prosecutors are waiving youths to the adult courts more often this year than ever before.

"Kids are playing hardball with us—they are vicious. It's time we tossed the hardball right back to them," says Alexander Palenscar, head of the juvenile division of the city state's attorney's office.

Since the beginning of the year, Palenscar said, delinquent youths generally get "three strikes, and then they're out," meaning that after being found delinquent—the juvenile sys-

tem's version of a conviction—three times in Juvenile Court, the city will seek to have them tried as adults.

Alphonse and many other juveniles interviewed in state institutions or on street corners say they fell into crime out of boredom, or because their friends were doing it. But money was the major reason.

White youths generally say they use the money to get high with glue, ignition fluids, drugs or alcohol. They also need "pocket change" to play video games.

Black youths most often say they want to buy gold chains, designer fashions, and brand-name tennis shoes.

Black and white youths alike admit they are doing poorly in school and that they use drugs. Some acknowledge that their drug use and school performance are related.

"Drugs makes you lazy, lackadaisical," says Gary, a 14-year-old who has been arrested for burglary. But, he adds, they "help you forget your problems."

But officials—even those who feel the system has been too soft on juveniles—believe there are deeper causes of juvenile crime than greed. Kids, they say, are bearing the brunt of society's failures, and some of them are breaking.

Unemployment, inflation, divorce and the paring back of social programs by the government hit children much harder than adults.

Juvenile case workers with the Department of Social Services say they are seeing more signs of emotional disorders and violence among children.

### About the Author

WILEY A. HALL 3rd joined *The Evening Sun* in 1974 as an intern and over the past 9 years has covered a wide range of assignments, including a stint as police reporter. His current beats are criminal justice issue-oriented. Recently, Hall has appeared as a panelist on local TV and radio talk shows.

Hall's diverse background includes study at the University of Ghana, Africa, as well as the University of Maryland. Hall's concern for young people goes beyond reporting work; he regularly speaks to youth about journalism careers, gives journalism workshops for high school students, and participates with his wife in the Visiting Parent program through the Social Service Department in Baltimore.



And the staff of the Juvenile Services Administration is seeing an "increase in serious emotional disturbances and more violence and aggression," says Jesse B. Williams, deputy director of the agency. "But that's an indication of what's happening in the general society, of what society is doing to everybody.

"It's a fact of life," says Williams, "that if you're white, affluent and middle class, and you manifest these disturbances, you'll probably end up in a private counseling facility.

"If you're black and poor," he adds, "you could very well end up in jail."

Officials say the difference between now and other times of economic hardship and social turmoil, has been the gradual weakening of the family.

"We see so many parents who just don't know how to be good parents," says John Broaddus, a youth service officer assigned to the Western District.

"Parents are coming to us, the police, with total frustration, total powerlessness. They don't know how to control their kids, and they want us to do it for them, says Broaddus.

In the past decade, the number of broken homes, single-parent families, and families where both parents work has increased dramatically. During approximately the same period, juvenile misbehavior turned from mischief to armed robbery and murder.

"It's not just that parents are spending less time with their children, it is the quality of time they spend," says Maj. Patricia A. Muijen, head of the youth section of the city Police Department.

"Having the father in the home is not enough. He's got to be on the floor, playing with them."

Despite the violence of his record and his own bravado and apparent lack of remorse, Alphonse has revealed a vulnerability that marks him as a victim of this sort of home life.

Psychological profiles show he was regularly beaten by his father when he was younger. After Alphonse ran away at age 8, his father was charged with child abuse. The father then left town and never came back.

His mother is sickly and an alcoholic, and spends most of her time in bed. The youth was raised by his grandmother, who tended to be overly strict, causing him to rebel against all rules, a counselor's report says.

"Alphonse has never had a consistent authority figure," wrote one counselor. "He is emotionally immature and does not have a clear conception of the consequences of his own actions."

Deprived of love, kids lack self-confidence and the awareness of themselves as persons, says Anna Dolina, a supervisor with the Differential Treatment Program, one of the state-licensed agencies that provide counseling and enrichment programs for delinquent youths.

Deprived of guidance, kids turn to the streets for role models and often they find adults who use them in burglary and drug rings.

"I've known of one guy who loads up five or six kids into a car and drives them out into the county for burglaries, then gives them bus money to come back home," says a city burglary detective.

"I'd love to get him. But although we've arrested some of his boys,

we've been unable to build a case against him—yet."

City narcotics detectives say drug dealers have started employing youngsters as drug runners, paying them \$200 to \$300 a week to carry drugs from the dealer to a prospective buyer.

"The dealers know that it's highly unlikely for a kid to get locked up after his first or second offense," says Lt. Joseph Newman, head of the narcotics division.

In the suburban shopping malls, youths work in shoplifting teams. While one group grabs a rackful of clothes, the other might interfere with a pursuing security guard.

"One thing television has taught kids is planning and coordination, and the kids have turned it into an art," says a Montgomery County officer who asked not to be identified.

"There is a whole delinquent subculture where the norms and values are different from our own," says Sgt. Andre Street, a city burglary detective.

"It's not fashionable to go to school, to succeed in business. It's fashionable to get high, to rip somebody off. Most kids get caught because pulling a successful burglary isn't enough. They've also got to brag about it."

Street says youths seemed to choose media figures steeped in the drug culture as their role models.

"Richard Pryor is their one big hero," he says "Adults can see that a lot of what Pryor does is satirical. I'm not sure that subtlety is coming through to kids. All they see is that he's a wild and crazy guy."

But while parents may not be giving their children guidance and disci-

pline, many parents charge that the system works against caring parents.

"My kids are always saying, 'Mama can we have this, mama can we have that?' And it hurts me to always have to say no," says Maryanna Welsh, 47, a mother of five who lives in a housing development in East Baltimore.

"But I feel TV undercuts parents. How can I say 'no' when TV is always telling them they got to have this and they got to have that?"

Several parents of youths judged delinquent complained they had sought help from the courts and been refused.

"When Leon first started getting into trouble I took him to Hopkins for a psychiatric examination. I felt, being as how his father wasn't here, that he was doing these things to try to get his father's attention," says an East Baltimore woman whose son faces a murder charge.

"But it seems like the courts wait until a child gets into trouble and then throw him in jail before they do anything."

Dr. Rolf Muuss, a lecturer in adolescent behavior at Goucher College, says society has shied away from instilling values in youths.

"Today, we don't give children the answers anymore. We prefer to let them find their own answers."

"If it works, it's beautiful, you have a mature individual. But it's a more difficult process, and if it doesn't work, you might very well have a criminal."





## Repeat offenders blamed

"We find ourselves battling myths as strenuously as we battle realities," says Rex C. Smith, director of the Juvenile Services Administration.

The myth is simple: an epidemic of juvenile crime threatens society.

The reality is complex: juvenile crime is down, but juvenile violence is up. Few youths get into trouble often, yet the repeat offenders have been almost flamboyant in the nature and scope of their crimes.

Leon is one of those: a 17-year-old charged with murdering a man in March. He has a record that includes four purse snatchings, two burglaries, and the brutal beating and robbery of a 25-year-old man near the Inner Harbor.

He received delinquent findings—the juvenile system's version of a guilty verdict—in each case, but he never spent time in a juvenile institution.

Until Leon was arrested for homicide, his counselors considered him a "reasonably safe risk to the community" and felt he was participating well in his counseling program.

Another 17-year-old had at least 15 delinquency findings for burglary, larceny and drug abuse, and was on probation when he was charged with the murder of a prominent art restorer this year.

His counselors had considered him "non-violent."

A 16-year-old, charged last month with the murder of a 60-year-old Carroll County egg salesman, was free on weekend parole from the Maryland Training School for Boys at the time of the killing. The youth had been committed to the training school on a burglary charge.

A 15-year-old, arrested for armed robbery this spring, had been referred to the juvenile justice system 40 times. The youth has spent time in nearly every counseling program offered by the system and his case workers have concluded that he is "not amenable to treatment" in the juvenile system.

The state's attorney's office repeatedly has sought to have the youth tried as an adult, but the courts consider him too young and small to risk in an adult prison.

Juvenile officials insist such cases are the exceptions rather than the rule.

"The perception that the juvenile justice system is not working for the public safety is simply not true," says Smith, head of the JSA.

"Misconceptions should not drive the system," he says, "but, to a certain extent, they do."

"Delinquency is certainly serious, it is certainly a problem," added Jesse B. Williams, deputy director of the JSA.

"But it's not the epidemic that I think many people imagine. Most kids are not out there doing all of these terrible things the way some may think."

The conflicting perceptions extend to officials and their statistics as well as to the public.

The number of crimes reported in the state has risen steadily over the past five years—by 1 percent in 1977, 2 percent in 1978, 8 percent in 1979, 5

percent in 1980, and 1 percent last year.

And many police officials and prosecutors say much of that increase is fueled by juveniles—youths 17 and under.

"We have maybe 300 juveniles who are responsible for over 50 percent of the crime here," said Capt. Dennis Klein, of the Baltimore County police youth section. Police in the city and in the surrounding counties quote similar statistics.

Yet the arrests of juveniles for serious crimes in Maryland have declined by nearly 4,000 since 1976— from 26,597 to 22,966 last year. The proportion of juvenile arrests to all arrests for serious crimes during that period dropped from 48 percent to 38 percent.

Victimization studies and interviews with delinquents and adult

criminals also indicate that juvenile crime has dropped consistently over the past five years.

Critics of the system paint a gruesome picture of an increasingly vicious and one-sided generation war: youngsters targeting the elderly for street yokings, purse snatchings and house robberies.

"Crime and the fear of being victimized is one of the biggest concerns of elderly persons," said Ellen Stoffer, director of the Victim's Assistance Unit of the Waxter Center for the Elderly.

"There are elderly persons in the city who are literally afraid to venture out of their homes after sundown."

But the overwhelming majority of victims of juveniles are other juveniles, according to Terrence Farrell, director of the JSA's Victim Assist-

ance unit. Last year, he said, only 885 victims out of 8,400 referred to his unit, were 60 or older.

Some critics allege that crime-prone juveniles are laughing at the courts, manipulating judges and other officials with the expertise of seasoned criminal lawyers.

"The whole juvenile system has become one big joke," says Stanley Jett who worked with juveniles in the Southern District before his recent retirement from the police department.

"Kids are more aware of their rights than ever before. They know they'll have their first case dropped or placed on parole. The second case gets probation. So, right away, they get two freebies."

City Prosecutor Alexander Palencar estimates the average delinquent commits five to seven crimes for every arrest.

"So, right away, a kid has gotten away with a minimum of 15 crimes before he even gets to court," he says, agreeing with Jett that the average juvenile is not sent to court until his third or fourth arrest.

Police officers say that the system's "revolving door" encourages youths to graduate to increasingly more serious crimes.

"They start out with something like breaking a window; we arrest them; the case might get dropped," said Ernest Graham, a Southeastern District officer decorated by the department for his success in solving juvenile crimes.

"Next time they're up for loitering or for [drug] possession. We bust them again. They're out on the streets again.

"Next thing you know, we've got them for burglaries or purse snatch-

ing. Then they're carrying a gun or a knife. Then they've killed somebody. I've seen it again and again."

But, in fact, some juvenile officials say Maryland has never been tougher in its treatment of juvenile delinquents—at least not since the juvenile reform movements of the mid-'70s.

Against a backdrop of a decrease in the number of cases handled by the juvenile justice system, waivers, detentions and commitments to juvenile institutions increased.

The number of youths under 17 tried in the adult courts in fiscal year 1981 jumped by 100 compared to 1980, from about 400 to 500, and it is expected to show an even sharper increase this year.

The number of youths detained in a state institution before trial dropped by only 22 cases from 6,633, but the number of youths committed after a court hearing rose by 4.1 percent and is expected to show an even sharper rise this year.

Smith said the juvenile system appeared to have been successful in preventing repeat offenders: 86 percent of all youths referred to JSA last year had had only one or two previous contacts.

While youths between 10 and 17 made up 14 percent of the state's population according to the 1980 census, they accounted for 41.5 percent of those arrested in felony cases that year, and 38 percent last year.

And while arrests for property crimes have dropped since 1976, arrests for murder, rape, armed robbery and aggravated assault have remained stable.

Last year, young persons were accused of committing 13 percent of the murders in the state cleared by ar-

rests, 38 percent of the armed robberies, 47 percent of the burglaries and 36 percent of the thefts.

Nearly everyone working closely with youngsters involved in crime describe a growing coldness and lack of remorse in the youths arrested, a hardness formerly associated only with adults.

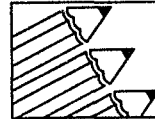
"There is less respect for people than there used to be, less respect for human life," said Edward J. Lang, JSA director of the region that includes Baltimore.

"It seems there are fewer juveniles coming into the system, but those coming in are seemingly more violent," said Helen Batholomee, who conducts the initial screening interviews for the juvenile section of the Public Defender's office.

"There is less of the petty and more of the scary," she said, describing the type of cases now coming into the city.

And Klein says the phenomenon is spreading to Baltimore County. "Everything is escalating, intensifying," he says.

"We're getting the type of problems the city had 10 years ago. In 10 years, if something drastic doesn't happen, we'll be where the city is today."



## System counts Craig a success— he avoided stay in institutions

Craig, 11, has spent most of his afternoons for the last two years at the Differential Treatment Program on North Charles Street—ever since he pelted a school bus with rocks.

School officials charged the boy, who was angered because he was not allowed to accompany his class on a field trip, with malicious destruction of school property. He was arrested and found delinquent in a court hearing.

Craig has since been suspended from school numerous times and expelled from two schools, including a special school designed for children with behavior problems.

"At least part of the problem at his schools has simply been that his teachers just don't like him. He can be abrasive, and they're very quick to find reasons for getting rid of him," said a counselor at DTP, one of several programs that offer delinquent youths counseling and therapy. Since Craig's initial referral, DTP has obtained three extensions of his assignment to the program. A psychologist attached to the Juvenile Court predicted Craig could need the program for another six years.

Yet Craig is considered one of the successes of the juvenile justice system, and a rare one. The counseling has kept out him out of the state's juvenile institutions.

Critics of the system say youths with the most serious emotional, psychological and environmental problems, such as Craig has, usually end up in those institutions—and go on to commit more serious offenses.

Most of the system's successes are not with boys like Craig, the critics say, but with wayward youths who probably would have avoided further trouble without the system's help.

Larry, 17, who came into the juvenile system at about the same age as Craig, didn't benefit from the system's efforts.

His record includes nearly 20 delinquency findings. He has participated in most of the programs offered by the state and has been institutionalized three times.

Larry's record began with an arrest for disorderly conduct and steadily escalated to armed assault and rob-



bery. Most of his offenses have occurred while he was participating in a treatment program for an earlier offense.

In Maryland and throughout the country, low-income black youths make up a disproportionate number of institutionalized delinquents, according to a study commissioned by the federal Office of Juvenile Justice and Delinquency Prevention.

Last year, blacks made up 45 percent of the 44,620 cases referred to Maryland's Juvenile Justice Administration. Fifty-six percent of all juve-

niles committed to one of the state's institutions were black.

While most of the youths referred to JSA came from two-parent families, most of those who were sent to the institutions came from broken homes.

Another study found that many of these youths had learning disabilities that had gone undiagnosed by their school systems and that possibly contributed to poor performance and misbehavior in class.

Both Craig and Larry fit many of the criteria.

Craig is black and lives in a low-income section of East Baltimore.

Psychologists attached to the Juvenile Court found Craig had a mild, previously undiagnosed learning disability that led to repeated failures in his school work, and possibly spurred his misbehavior.

He comes from a broken home. His mother, struggling to provide for his four brothers and sisters, has been accused of neglect by Craig's teachers, and the city Social Services Department has made several attempts to remove Craig from the home.

Larry is also black and lives in a broken home in a similar low-income neighborhood in West Baltimore. He has two older brothers. One is in jail for armed robbery; the other has a juvenile record containing three minor offenses.

Larry had been suspended or expelled from five city schools, starting when he was 8.

A caseworker concluded that Larry was "extremely immature, spoiled and aggressive" and that he showed "extreme difficulty in handling any situation in which he might appear to be less than the strongest or the toughest."

The two cases illustrate one of the most perplexing problems of juvenile delinquency: balancing the youth's right to rehabilitation against the public's right to safety.

"It's a question of balancing how much hurt is society willing to take to help one of its own," said Anna Dolina, a supervisor at DTP.

One of the underlying assumptions of the reform movement of the mid-'70s was that the institutionalization of juveniles often did more harm than good. Lawmakers found that the rehabilitative effects of the institutions were often offset by the negative influence of other delinquents.

"We have found that the deeper a juvenile penetrates into the system, the more likely he is to return," said Jesse B. Williams, deputy director of JSA.

State law specifically directs juvenile officials to explore alternatives to incarceration and to consider the best interest of the juvenile as well as the need for public safety.

"When you are dealing with . . . a system where the so-called helpers do

more harm than good, it stands to reason that you should explore every avenue before you place a juvenile into that system," said Dave Tracey of the National Center on Institutions and Alternatives.

The legislature, however, has recently acted to increase juvenile commitments. It has made it easier to try juveniles accused of violent crimes in adult courts this year, and it has directed juvenile officials to consider the safety of the public as well as the best interests of the child in handling a case.

For the youths themselves, the debate boils down to a practical one: How many second chances do they get?

Craig's caseworkers say he clearly benefited from the extra time and care.

Larry clearly failed to take advantage of his second chances.

Craig's success came from a variety of sources.

Despite his learning disability, caseworkers describe him as a very intelligent youngster with an insatiable curiosity. He reads the Smithsonian Magazine and National Geographic at the DTP offices. On a field trip to the circus, he disappeared briefly only to be found questioning the lion trainers about their jobs.

His mother works eight to 10 hours daily as a nurse. Because she works, caseworkers believe crime was never an option for Craig.

Larry first came to the courts seven years ago, for throwing rocks at his neighbor's home.

A juvenile system intake officer discovered Larry had entered a dispute between the neighbor and his mother. The officer arranged for a

meeting between the two women to resolve the dispute.

Neither woman showed up. A month later, the neighbor had Larry arrested for slashing the cushions on her lawn chair.

The same officer discovered that Larry was again acting out the adults' dispute, and he sought to have the two women meet. Again, neither woman appeared.

"If I had gotten the adults to behave like adults, we probably could have kept the child out of the system," says the officer. "Of course, once he came into the system, his behavior went downhill."

The same neighbor charged Larry with trespassing three months after the first offense. He was placed on probation.

He was charged with a larceny six months later and placed on probation again.

During the same period, Larry's father left, and Larry's behavior in school deteriorated rapidly. He was expelled from two elementary schools for fighting and was placed in a school for children with behavior problems.

He was charged with trespassing when he showed up at school after he had been expelled.

An intake officer and the arresting officer were convinced that Larry's behavior stemmed from his reactions to the problems in the adult world. Despite his previous record, they referred him to a city police-sponsored program for first-time offenders, the Limited Adjustment Program.

He was dropped after failing to show up for several appointments.

He was charged with two daytime

burglaries and placed in the Differential Treatment Program. Counselors there found him combative and uncooperative.

At 10, Larry was charged with robbing a schoolmate of 50 cents at knifepoint. Police arrested him with a 10-inch butcher knife.

Because of his record of prior offenses, Larry was sent to Montrose School for a year.

After he was released, Larry engaged in a series of armed robberies.

While he was AWOL in 1978, he and three other boys were arrested after robbing and beating a 35-year-old woman who had stopped her car at a stoplight. The boys approached her car, reached in through an open window and grabbed her purse, then struck the woman repeatedly in the face with an umbrella.

He was sent to Montrose again.

While he was AWOL later that same year, he and four other boys forced their way into a West Baltimore home, pistol-whipped the owner and fled with \$200 worth of cash and jewelry.

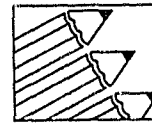
"As indicated, Larry's adjustment has been rather poor," wrote his caseworker to the Juvenile Court.

"However, this youth is only 14 years old, and it is believed that if we hit upon the right combination of services, this child might make it."

Because of his age, the courts ordered him sent to the Maryland Training School for Boys.

Finally, after several more serious offenses, such as the armed robbery of a gas station, the city Juvenile Court accepted a petition that Larry be waived into the adult system, where at 17 he is in City Jail, awaiting trial for armed robbery.





## Estimated 2,300 juvenile

The state says 14-year-old Ricardo shot an older youth in the stomach, watched him fall, then shot him again in the head and shoulder.

His mother says Ricardo had innocently tagged along with a gang of older kids and did not shoot the youth.

The state says Ricardo is a lethal little lad with a record of violence that started when he was 9.

Ricardo's mother says he is a bright, obedient boy who fell in with the wrong people and who was in the wrong places at the wrong times.

"He is a really likable little boy," says his mother. "Everyone likes him -- his teachers, the police officers, the prosecutors; and I think he has a different aspect now on getting in trouble. I really think he can turn his life around when he gets out."

"He is a very dangerous person who has shown no remorse whatsoever. Our first concern was to get him off of the streets and keep him off," says Teatte Price, the assistant state's attorney who prosecuted his case.

Ricardo's record—vandalism, shopliftings and a num-

ber of armed robberies of playmates, as well as the wounding of the 18-year-old—illustrates in several ways the good and bad of the juvenile justice system.

In Maryland, juveniles do not commit "criminal" acts, but acts of delinquency. If the courts make a finding of delinquency—carefully avoiding any suggestion of "guilt"—the juvenile is not "punished" but remanded for "treatment."

Mere semantics?

No, say juvenile officials. The language of the law serves as a constant reinforcement of the goals and purpose of the juvenile system.

Consequently, some of the fiercest battles in Annapolis have been over words. For instance, an effort this year to add the words, "punishment," "accountable" and "discipline" to the law was hotly contested—and unsuccessful.

"This year, we responded to 177 separate pieces of legislation in Annapolis," said Jesse B. Williams, deputy director of the Juvenile Services Administration, the agency responsible for most of the state's rehabilitation efforts.

"We wrote position papers on 166 pieces of legislation. We opposed many of them."

Some bills called for a complete reversal of the purpose and goals of the juvenile laws.

"The juvenile justice system looks for remedies rather than retribution," said Rex Smith, director of the JSA.

"The law is based on the theory that kids for the most part are malleable, that their behavior is based on some cause, and that if we can determine that cause, we can change the behavior."

Juvenile authorities fear the annual war of words in Annapolis reflects a growing public desire to make the juvenile system more like the adult system—one that emphasizes punishment over rehabilitation.

Juvenile law is designed to treat delinquency as a symptom of a problem rather than the problem itself. Basic to the statutes is the belief that juveniles are not responsible for their acts and should thus be given every chance at rehabilitation.

In a sense, the system worked in Ricardo's case. Counselors, case workers and other juvenile officials believed he could change and worked hard to ensure he was given the opportunity to do so.

Ricardo lived with his mother and an older sister in West Baltimore. His parents were separated, and he had no older male to look up to. Before his latest arrest this year, Ricardo had participated in a variety of programs aimed at giving him more positive male role models.

In another sense, the system failed miserably. None of its remedies—the probation officer, the intensive one-on-one counseling by a juvenile case worker, the psychiatric evaluations—served to swerve Ricardo from a life of crime.

At a time when he was seeing a probation officer on a vandalism charge, Ricardo, armed with a BB gun, robbed a 12-year-old girl of an MTA bus pass and a magic marker.

While the same probation officer counseled him on the robbery charge, Ricardo and other youths forced their way into a neighbor's home and stole a .25-caliber automatic.

While in another counseling program, he snatched an elderly woman's purse in a downtown department store.

## criminals in state defy help

And he shot the 18-year-old on two separate occasions, apparently because the teen-ager had annoyed him. After the first shooting, the victim refused to cooperate with police, preferring to get his own revenge. Ricardo shot him before he was successful. Now, doctors say the victim may not walk again.

The different perspectives of Ricardo's mother and the authorities illustrate the adversary relationship that often grows between the system and the family—another failure, since both are ostensibly working in the best interests of the youth.

Prosecutors say there are approximately 1,000 youths in the city with stories very similar to Ricardo's—hard-core repeat offenders who apparently resist every effort to rehabilitate them.

Baltimore County police can identify 200 such youths. Anne Arundel County police officers estimate they have another 100.

Statewide, there might be 2,300 habitual offenders, according to Smith, the JSA director.

But, juvenile officials say, most juveniles referred to the system for delinquency do not get into trouble often. Eighty-six percent of the youths treated last year had fewer than two prior arrests.

Also, while total crime and arrests have risen since 1976, juvenile arrests have dropped. Juvenile referrals from schools and parents, as well as from the police, have also dropped.

Yet, youths continue to commit crimes, including violent crimes, far

out of proportion to their percentage of the population.

Public fear and frustration at the seeming impotence of the juvenile justice system have led to increasing demands that the system get tougher.

Officials liken the system to a doctor forced to treat a large number of patients with a limited supply of medicine.

The doctor might dole out a small dosage so that each patient will have some. For most, the small dosage might be enough. But for those with advanced illnesses, a little medicine could be as harmful as no medicine at all.

The analogy is an apt one, particularly since the JSA is part of the state Department of Health and Mental Hygiene.

The average youth referred to JSA for delinquency last year was 15, white, and lived with both of his parents. Most live in the city and Prince George's County, and most were referred for fighting, burglaries, larcenies and shoplifting.

Most found getting arrested frightening. They were ordered by the courts or by an intake officer to see a probation officer for a specified period, or they were forced to make restitution to their victim and to the state.

The system has been very successful at rehabilitating this type of delinquent after only one or two arrests.

For a small percentage, however, the system's "dosage" comes too little, too late. The youths with whom the system has had the least success usually come from broken homes.

They have often suffered years of neglect, if not abuse, from their parents. A high percentage have undiagnosed learning disabilities. They have little or no self-esteem and little consideration for others.

For these, the system can only ride herd on a series of failures until the youth commits an offense violent enough to warrant prosecution in adult court.

Critics say that the system, despite declining referrals, remains seriously overcrowded.

Probation and intake officers who are supposed to give individualized attention to delinquents handle case-loads totaling as high as 70 an officer.

The treatment facilities licensed by the state, such as counseling and guidance programs like the Community Supervision Projects, the Differential Treatment Program and others, offer good one-on-one counseling, but only by restricting their case-loads.

Youths who could be helped by these programs often find themselves released without treatment, or confined to the more restrictive environments of the Montrose School, a Youth Service Center or the Maryland Training School for Boys.

Counselors for a youth recently charged with murder had repeatedly recommended that he be taken out of his home when he was younger and placed in a Youth Service Center or a foster care home.

He was not because space could never be found for him.

Critics also charge that over-

◀ . . . Unfortunately, we find ourselves releasing those youngsters who are just beginning to respond to treatment . . . while we're forced to keep the delinquents who aren't responding . . . ▶

—Training school's James Dean

crowding means that many youths with serious problems rarely stay in a program long enough to be rehabilitated.

The average stay in one of the state's many counseling programs could be seven months to a year, but officials concede that even two years may not be long enough to permanently affect the behavior of a lifetime.

The average stay at the Maryland Training School for Boys, the state's "big stick," according to superintendent James Dean, is only four to five months.

"There is a constant demand for bed space," Dean said. "We have to release somebody. Unfortunately, we find ourselves releasing those youngsters who are just beginning to respond to treatment. But we're releasing them before they're fully ready, while we're forced to keep the delinquents who aren't responding and who probably won't respond."

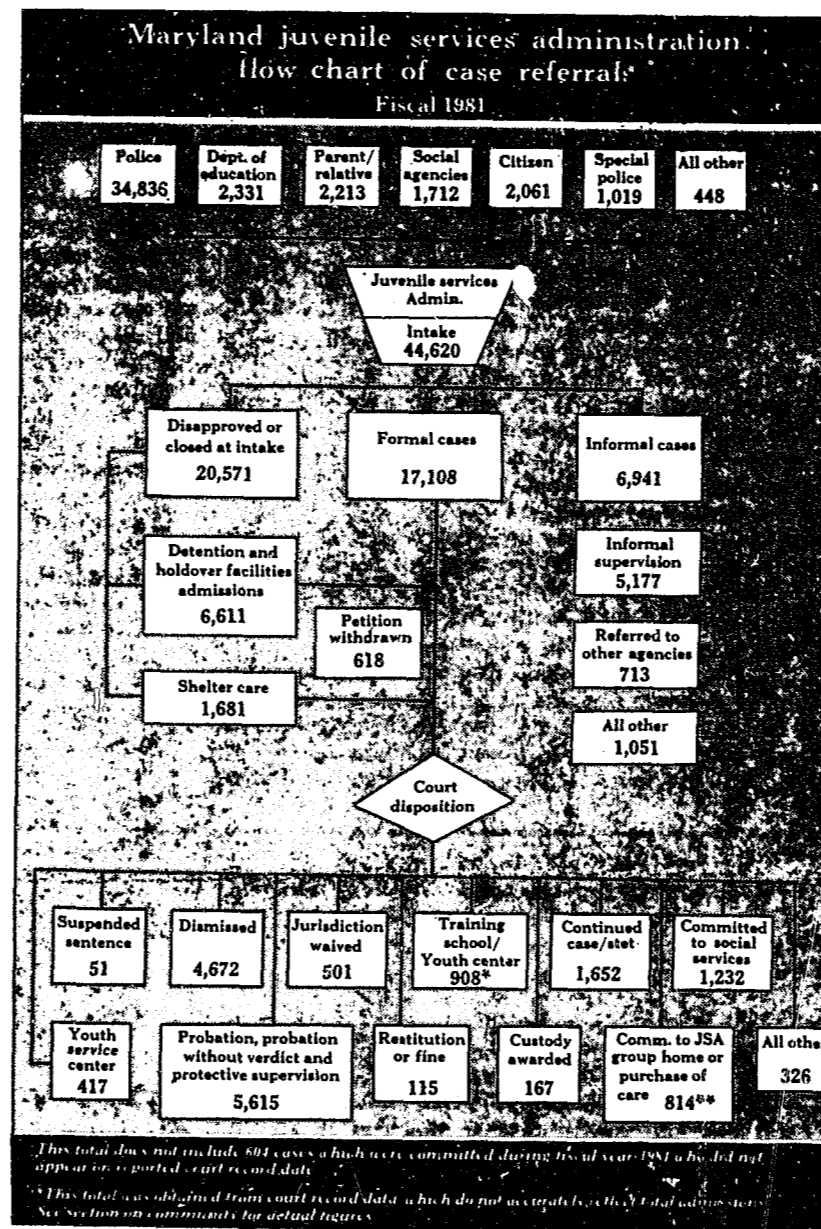
Dean said that although overall referrals to JSA have dropped, admissions to the training school have increased—an indication of the get-tough attitude statewide.

Last year, the legislature amended the law explaining the purpose of juvenile detention. The old law required juvenile officials to consider the best interests of the child when making detention decisions. The new law added the words "and the public safety."

The result has been an increase in juvenile detentions this year.

This year, the legislature took away some of the wide discretionary powers of juvenile officials, making it easier for youths accused of violent crimes to be tried as adults.

Starting July 1, cases of youths 16



and older who are charged with violent crimes will be automatically sent to the state's attorney's office for review. The prosecutor would then decide whether to pursue the case formally as an adult case and take it to court, or send it back to the juvenile system.

Meanwhile, JSA officials, galvanized by the criticism they encountered in Annapolis, have embarked on their own streamlining of procedures, taking more of the discretionary powers away from the system's intake officers.

Starting in September, JSA plans to institute a Uniform Treatment Standards program in the city.

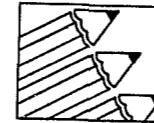
That program, experimented with in Anne Arundel County and a third of the city, requires steadily tougher treatment of youths based on the number of offenses.

"The question is whether or not we want to change the entire system, one that I believe is working, to accommodate a few," Smith said.

"I don't think concern for that particular group should drive the entire system."

Nevertheless, Smith and other JSA officials have been examining other methods of tightening up and intensifying the identification and treatment of repeat offenders.

They are doing that voluntarily this year, to avoid being forced to do so by a frustrated and angry public next year.



## Juvenile jail population stirs concern

Maryland is locking up more and more young criminals even though juvenile crime is down—and despite the belief of many officials that such an approach may cause more harm than good.

"I don't think you'll find anyone knowledgeable who really believes that locking a kid up in an institution will help that kid turn his life around," said a Montgomery County assistant prosecutor.

"At best, it's a stopgap measure," said Alexander Palenscar, chief of the juvenile division of the Baltimore state's attorney's office.

"We're warehousing them for three or four months," said City Juvenile Court Judge Milton B. Allen, "then turning them out into the community with the same lack of tools that they had when they came in."

"But on the other hand," Allen added, "I don't see that we have a lot of choices."

Officials at all levels of the juvenile and adult justice systems say they are frustrated with the state's response to serious and violent juvenile offenders.

Only 6 percent of the 45,000 youths referred to the system annually are guilty of multiple offenses but these youths commit 35 to 50 percent of all juvenile crime, according to officials of the Juvenile Services Administration.

Many of these youths commit crimes while participating in treatment-oriented programs. Many abuse drugs or alcohol and show a pattern of escalating violence.

"They're in limbo," said Palenscar. "We can't stop them from being habitual offenders, and there's not a whole lot we can do with



them after they become habitual offenders.

"The habitual offender is the unfortunate result of the system not being able to handle the problem," he said.

Richard Friedman, executive director of the Maryland Criminal Justice Coordinating Council, added: "Clearly, the mood of the public is not to find alternative programs for repeat offenders."

MCJCC recently launched a pilot program, called ROPE, aimed at improving communications between police, prosecutors and the courts, so that youths with two or more convictions for serious crimes can be efficiently identified and prosecuted.

Officials concede that ROPE could send more youths to adult prison, the Maryland Training School for Boys, the Montrose School or one of the state's youth centers.

Other steps that might have a similar effect include a new law that automatically sends the cases of juveniles accused of felonies to the state's attorney's office for review, and a proposal that would ensure escalating punishment for successive crimes.

Officials said they feel compelled to get tough for two reasons: the public mood and a lack of proven alternatives. Yet, they say that institutionalizing youths neither guarantees the public's safety nor necessarily helps the youth.

While the number of youths referred to the JSA dropped from 46,845 in 1980 to 44,620 in 1981, the number of cases referred to court rather than being handled in a community-based program rose from 14,649 to 17,108.

At the same time, the number of youths committed to juvenile institu-

tions rose from 1,452 to 1,512, and as of Dec. 1, 299 youths were in adult prisons, compared with about 100 a year ago. And the juvenile court allowed more youths—from 411 in 1980 to 501 in 1981—to be tried as adults.

The cases of more than 1,300 youths accused of violent crimes were automatically sent to adult court in 1981. That number is expected to rise as the result of a new law which expands the definition of "violent crime" to include nearly all serious crimes.

Meanwhile, JSA statistics show that only about 20 percent of the youths at the state's juvenile institutions are there for violent crimes. Most are institutionalized on multiple charges of burglary, larceny, or violation of supervision.

Similarly, most juveniles turned over to adult courts last year were habitual burglars, petty thieves or youths who have been management problems inside of institutions.

Because of the public's get-tough mood, officials at community-based treatment centers are more apt to drop a youth who gets in trouble while participating in their program; prosecutors are asking that more youths be tried in adult courts and judges are granting more of the requests; and the detentions of youths before trial have climbed.

"Maryland is clearly retrogressing in the way it treats juveniles," said Marion Mattingly, a member of the state's Juvenile Justice Advisory Committee.

"And the sad part of it is, there is no strong voice here in the state to stand up and say, 'This is wrong, stop.'"

"About 10 years ago, the criminal justice field saw a movement away

from rehabilitation and towards punishment in the adult system. Now, that movement is arriving to the juvenile system. It's a national phenomena," said Marty Schugan, a researcher with the JSA.

In 1981, the United States incarcerated more than 560,000 youngsters—the highest figure in history—at the same time juvenile crime dropped for the third straight year.

Only the Soviet Union and South Africa lock up more youths per capita, according to Douglas Dodge, of the Justice Department's Office of Juvenile Justice and Delinquency Prevention.

The office estimates that in 1981 only 4 percent of the incarcerated youths were charged with violent crimes. Sixty-nine percent were charged with property offenses, and 4 percent were being held without any charges against them, Dodge said. The rest were guilty of offenses such as running away or truancy that would not be considered a crime for an adult.

Ironically, the get-tough approach follows on the heels of a nationwide movement in the early and mid-1970s to get youths out of institutions. That movement was sparked by studies showing that even well-run institutions were often counterproductive in their efforts to help youths.

"The truly dangerous kid is not one who has been coddled by the system, but one who has been brutalized by the system," said Jerome Miller of the National Center on Institutions and Alternatives in Arlington, Va.

"The longer you keep a kid in an institution, the more likely it becomes that he will become a serious offender."

Ira Schwartz, a former head of the



federal delinquency prevention office, agreed. "Institutions teach kids how to survive in institutions—they tell them nothing about interacting with the real world," he said.

More disturbing, Schwartz said, were studies suggesting that decisions to confine juveniles tended to be made on the basis of space available.

Anne Hall of the governor's office said these factors influenced Gov. Harry Hughes' rejection of calls for construction of a juvenile prison.

Hughes wants to spend \$1.3 million to create a maximum-security unit for 80 youths at the Maryland Training School and \$3.4 million to build a youth center in Southern Maryland.

JSA Deputy Director Jesse Williams said youth centers generally hold 40 to 50 youths and offer better opportunities for supervision and treatment. The centers, most of which are in rural areas, give youths individual counseling and a chance to develop work habits.

Williams said JSA plans to improve the way it deals with youths after they have been released.

"Even if young offenders are helped as a result of their experience at a forestry camp or training school, they will have difficulty maintaining their progress if they must return to the oppressive surroundings which contributed so greatly to their original behavior," said Howard Bluth, executive director of the state Office for Children and Youth.

JSA statistics show that the vast majority of the seriously delinquent youths come from homes headed by single parents, usually the mother; are abused in the home; have learning disabilities; and suffer a lack of affection caused by the parent's struggle to survive.

"Parents simply do not know how to be parents," said John Broaddus, a youth service officer assigned to the Western District. "Parents come to

police in total frustration, total powerlessness."

"The kids we see are the failures of the parents to rear them properly," Allen said. "And the parents themselves are the failures of a very sick society. Those who recommend juvenile prisons are recommending them out of frustration because we don't know what else to do with these kids. In our democratic society, there is no instrumentality to compel a parent to raise their child properly."



## Family approach brings successes from former juvenile lost causes

Franklin is one of the juvenile justice system's success stories: In two years on the streets, he hasn't killed anyone and no one has killed him.

"The system had literally given up on him," his caseworker said. "The only thing we could do was put him on the streets, wait for him to seriously injure somebody, and then lock him up."

Other workers familiar with

Franklin's case were even more pessimistic. They described him as a violent, self-destructive man-child, with a hair-trigger temper and none of the life skills necessary to get along with others, either in prison or out. They said Franklin was likely to become a murderer—or a murder victim.

Franklin was too violent to remain in a juvenile institution, but he was not guilty of any crime that could

have sent him to an adult prison. So a city juvenile master sent him to the one place most likely to control him—a caring family.

Actually, Franklin went to Baltimore Family Life Inc., one of two private agencies in Maryland that use a family approach to deal with the most violent, least manageable juvenile offenders.

Working only with "lost causes," BFL and the Martin Pollack Project



in Annapolis have managed to keep most of their charges out of trouble.

"They brought Franklin to us, in manacles," said Henry Gregory, a counselor at BFL on West Reed Street. "In the courtroom, he even went after the judge."

"Franklin was a terrifying youngster—and a terrified one," said Jannette Meriweather, a family therapist with BFL.

The tall, muscular teen-ager mastered boxing and martial arts during 10 years in juvenile institutions; he lifted weights until his body was rock-hard. But he was afraid of the dark.

He beat up guards here, in Texas and in Florida, yet he was terrified of riding a city bus.

The boy with a hair-trigger temper was speechless with fear when introduced to new people.

He had been in juvenile institutions since he was 7 and, at 17, only one thing had kept him out of adult prison—all of his violence had taken place behind bars, where he had been punished administratively.

In two years with BFL, Franklin has lived with specially trained foster families and with agency counselors in a family setting. He was reunited with his natural family 10 years after the state took him from them.

And, despite all predictions to the contrary, Franklin has avoided trouble with the police.

Franklin's bizarre combination of man-like fearsomeness and infantile fears is not unusual.

"The so-called heavy-hitters are often the weakest kids on the block," said Mark Leeds, a supervisor at a city program for violent offenders. "The ones with low self-images. The ones who have never had any victories or love or any reason at all in

their lives to feel good about themselves. They are masters at setting themselves up for failure."

BFL counselors say this all stems from deprivations in the home.

Franklin was one of 13 children of a West Baltimore family. His parents struggled with unemployment, family problems and intimidating social workers until each retreated into a shell. The father resorted to alcohol.

"This was a family where there was a lot of shouting, a lot of animosity, and very little communication of deeper feelings," said Gregory. The family was "in total chaos," he said.

Workers at BFL and the Martin Pollack Project say they believe a youth's family can give the love and support he needs, but this often requires rebuilding a family and restoring parents to positions of authority—but in a way that emphasizes love.

"Nobody can force a youth to do anything, not even institutions," said Rich Norman of BFL. "Youths obey their parents because they care for them and are anxious to get their approval."

The therapists show parents how to lay down rules and make them stick. When this is impossible, they use "therapeutic foster families."

Counselors work to counteract generations of damage—crime, alcoholism and drug abuse. They often find the parents just as childishly helpless support as their child.

But they try not to undermine parental authority. "Every parent has certain strengths as well as weaknesses. We try to enhance and support those strengths," said Norman.

For instance, an alcoholic mother was fiercely protective of her delinquent son, fighting off attempts to enroll him in counseling programs.

Eventually the son's crimes led to his referral to BFL.

"The first thing we had to realize was that protectiveness is a positive trait in a parent, although it could be harmful if taken too far," said Norman.

"So we worked with the mother. We acknowledged her feelings for her son, and we helped her see another way of protecting him. Eventually, she came to trust us enough that we were able to help her with her alcoholism, too."

"Every child has certain basic needs and requirements in order to develop into a mature individual, sometimes things as basic as being held as an infant," said Norman. "A child who doesn't get those needs will remain stuck at that level, continually searching for them."

"An institution can force a certain type of behavior on the youth. And it can control him. But it can't provide the nurturing and caring he needs to develop into a responsible citizen."

This is the paradox of efforts to control juvenile crime: The causes of delinquency originate in the home, and so do the solutions, most officials agree. Yet the system offers little support for the family.

"There are a great many services available within the juvenile justice system to take a troubled kid out of the home and into an institution, but there are few services that support the family in the home," said Theodora Ooms, of the Family Impact Seminar at Catholic University.

"We know the further away from the home the child moves, the greater the costs to society. Right now, though, the further away the child moves from the home, the more will-

ing we are to spend that money."

For the overwhelming majority of youths, getting arrested activates what BFL workers call "the family network." Parents place the youth under closer supervision, monitor his school work, keep a careful eye on his friends. And 86 percent of these youths stay out of trouble.

"Ideally," said Jim McCafferty, an intake supervisor with the Juvenile Services Administration, "a youth who gets in trouble should be more afraid of what his parents will do than what the system will do."

For a small percentage, however, the family network has broken down, and not even the warnings provided by repeated arrests can activate it.

Howard Bluth, executive director of the state Office for Children and Youth, said the recession and cuts in social services add to the problem.

The poorer families find themselves confronted by an army of social welfare agencies designed to help them, but often they break down under the weight and demands of an impersonal bureaucracy, Bluth said.

Juvenile statistics show that the offspring from these "broken families"—in the words of one researcher—often become the youths labeled "hardcore" or "heavy-hitters."

The juvenile justice system tries to take up the slack with counseling programs, foster care, training schools and youth centers. But many officials here and nationally fear that the more the system tries, the less successful it becomes.

JSA deputy director Jesse B. Williams put it this way: "We have found that, the deeper a youth penetrates into the system, the more likely he is to become a repeat offender."

"We have spent years breaking up

families and we're facing the consequences in this wave of cold-blooded juvenile criminals," said Kay Lanasa, director of the Martin Pollack Project. "It's time we started expending the same energy to bring families back together."

"A kid's parents are a kid's parents," she said. "No matter how horrible the situation, a kid still wants to identify with his family. You can't take that away, and you never should."

"In most juvenile programs, a kid has to earn the right to go home. In our program, a kid has a right to go home."

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*... The so-called heavy-hitters are often the weakest kids on the block. The ones with low self-images. The ones who have never had any victories or love . . .*

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—Mark Leeds



*St. Louis-Post Dispatch*

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**Girls and the Law**

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*A Five-Part Series*



*By Charlotte Grimes*

## A Shadow Of Justice, A Dim Chance Of Help



*Inside the two-story house in a crime-ridden St. Louis neighborhood, 17-year-old Pumpkin ponders what brought her to this place, a group home for delinquents.*

*She doesn't smoke. She doesn't drink. She's never taken drugs.*

*She is, however, very angry.*

*Pumpkin, one of nine children, was chosen by her mother to care for the others, missing school to do the chores. Pumpkin thinks it was a kind of punishment for being closest to her father, who deserted the family.*

*The resentments between mother and daughter boiled into confrontations and spilled into juvenile court. Unable to reconcile the two, the court sent Pumpkin on the rounds of foster and children's homes. Bitter, frustrated, and scared, she started staying out of school, getting into fights. Her record began to read like the laundry list of delinquency: truancy, assault, incorrigibility. But to Pumpkin, being finally committed to the Division of Youth Services, the juvenile equivalent of the adult corrections system, meant just one thing:*

*"I'm here," she says, "because nobody else wants me."*

For many young girls in trouble with the law, the juvenile justice system — in Missouri and elsewhere — offers little more than a shadow of justice.

Most come into juvenile courts accused of running away from home or missing school. Sometimes they are fleeing abuse or responding to a family crisis. Some are brought before judges because they are accused of being disobedient or sexually active.

These girls, ranging from grade-school age to 17, may be the incorrigibles and the ungovernable, but few are thieves, burglars or killers.

Officially, in law and judicial philosophy, all are considered troubled youngsters, in need of help more than punishment.

But in reality, the help is scarce, sporadic and sometimes little more than protective custody. The line between help and punishment can be a fine one.

In addition, the girls confront a system — of police, judges and corrections officials — that deals more often with boys. The girls bear traditional burdens of a minority: Short shrift on services and facilities and different — in many ways more repressive — treatment.

That picture emerges from a six-week study by the Post-Dispatch of girls in the juvenile justice system. The study was supported in part by a grant from the Ford Foundation through the Institute for Educational Leadership Inc. As part of the inquiry, a reporter interviewed Missouri judges and law enforcement officials, national experts on juvenile justice and adolescent behavior, and girls in the system.

Noah Weinstein, retired St. Louis circuit judge and a nationally respected authority on juvenile issues, summed up the system this way:

"The excuse that we've used to lock up children, either boys or girls, is that we're protecting them. We old-fashioned guys," said Weinstein, 76, "used to say that we were locking up girls so they won't get pregnant."

"But what we do to a large extent," the judge said, "is substitute the neglect of the parents with the neglect of the state. And we get into a legalistic tyranny in the name of protecting children."

Nationally, more than 100,000 girls come into the juvenile courts each year, a quarter of all the cases in those courts. In Missouri, the proportion is the same, with more than 10,000 referrals annually.

What began as a trickle of "wayward" girls at the turn of the century has become a flood. In the early 1900s, one girl was arrested for every 50 boys. By 1972, the ratio was one girl for every four boys. In 1973, it

### About the Author

CHARLOTTE GRIMES has a background in radio as well as print news media. Prior to joining the *St. Louis Post-Dispatch*, she worked with the *Star-News* in Wilmington, NC and the *Daily Press* in Newport News, Virginia.

For the past four years Grimes, as general assignment reporter for the *St. Louis Post-Dispatch*, has covered social issues, special features, and investigative projects for the city desk. A series on rape and another series on foster care brought about reforms in state law, juvenile courts, and the state's welfare agency.

The 1980 rape series garnered for Grimes the Connie Rosenbaum Award for reporting in the humanities. The foster care series brought the Rosenbaum Award to her again in 1982.

During her research for her series on Girls and the Law, Grimes consulted with experts across the country to gain a national perspective and then turned her attention to the situation of girls in Missouri.

*Jacie knows precisely how her career as juvenile delinquent began: the \$80 argument with her father.*

*It was money that Jacie, then 13, had saved from odd jobs. She wanted to spend it on one thing; her father, a stern authoritarian, insisted she spend it on something else.*

*But when her father began to speak her for her defiance, Jacie struck back.*

*Before long, Jacie was in juvenile court, labeled a runaway. She had taken her father at his word when he told her to get out of the house. Over the next two years, court officials would put Jacie on probation, into a foster home, and eventually send her in handcuffs to a mental hospital.*

*Her most serious crime?*

*Setting off smokebombs in the school restroom.*

*Jacie, now almost 17, doesn't recall anyone ever suggesting counseling for her father, suggesting that he too might be part of the problem.*

*Of the courts and laws, she says: "It's always the kids in the wrong, you know."*

reached a high of 1 for 3.

While both boys and girls were being arrested in record numbers in the 1960s and 1970s, the increase for girls was far more dramatic — a 219 percent increase, according to one national study, compared with 155 percent for boys.

But the system's ability to deal adequately with girls has not kept pace with its willingness to take them in.

"We respond to numbers, not sex, and we have had greater resources for boys because that's where the numbers have been," says Judge Melvyn Wiesman of St. Louis County Juvenile Court. "But now we are seeing greater numbers of girls. And we have inadequate resources for either."

What happens to girls in the system has long been a source of bitter concern, dismay and controversy among law enforcement authorities, policy-makers and experts on delinquency. In many ways, their fate has come to symbolize the problems of a hard-pressed but powerful institution.

Among the problems:

**A heavy reliance on incarceration.** Juveniles, especially girls, are kept in custody even when their offenses are not considered a threat to others or even to property.

In part, that happens because of a dearth of alternatives, either public or private.

In the St. Louis area, only two independent organizations — Youth In Need in St. Charles County and Youth Emergency Services in University City — serve significant numbers of troubled children without court intervention. Neither of these non-profit groups has an abundance of funds, and the facilities of both are almost always overcrowded.

Congress has tried to persuade states not to confine non-dangerous juvenile offenders. The 1974 Juvenile Justice and Delinquency Prevention Act offers grants to states that develop alternatives to detention.

Missouri participates, getting \$873,000. This is the first year the state has been in compliance with the act.

**The mechanics of the system.** Juvenile law has a special category of offenses, called "status offenses," that are not crimes for adults. Among them are running away from home, truancy, and incorrigibility. The status offenses have been repeatedly — and unsuccessfully — challenged as unconstitutional because of their vagueness.

Many critics, among them a faction in the American Bar Association, want status offenses eliminated, or at least taken out of the courts and put under the auspices of social service agencies.

**The scope of the juvenile justice system's task.** Parents, as well as some social institutions, have used police and the courts as a dumping ground for children they can't — or don't want to — deal with.

"The problem with the juvenile court is that it has allowed itself to go beyond its capabilities," said Charles Kehoe, superintendent for court services in Berrien County, Michigan, where the juvenile court has gained a national reputation for resisting that temptation. "Some of us really believe that we can make the blind see and the lame walk."

Officials in area courts agree. "The court becomes the body shop. And the expectation is that the court will fix the kid and send it back out," said Ken Hensieck, chief deputy officer and second-in-command at the St. Louis County Juvenile Court.

When he was head of the federal Office of Juvenile Justice and Delinquency Prevention in the administration of President Jimmy Carter, John M. Rector summed up the plight of girls in the nation's juvenile justice system:

"The brutal truth of the matter," he said, "is that the young woman who has done nothing more threatening to the state than run away from home is likely to be treated as harshly as a young man who has held up a store."

In Missouri, the Post-Dispatch found:

— Girls are at least twice as likely as boys to be brought into court for "status offenses."

— Though their offenses are less serious, girls are more likely than boys to be detained by authorities, and are likely to be kept in custody longer.

— When they are adjudicated — the juvenile court equivalent of a conviction — girls are more likely to get the harshest sentence. In fact, a girl accused of a status offense is almost three times as likely as a boy to be committed to the Division of Youth Services — the juvenile corrections system.

★ ★ ★

## System Is Failure; Reason In Dispute



Photo illustration by Robert LaRouche/Post-Dispatch

Almost everyone associated with the juvenile court system, in Missouri and nationally, agrees that the system has difficulty coping with girls. The difference of opinion is on why.

Many judges, police and corrections officials say that girls who come in on "status offenses" — truancy, incorrigibility or running away from home — present more complicated problems for the system.

"They tend to be more personality or behavior problems, and that just takes more to straighten out," said Ray Grush, chief juvenile officer of the 11th judicial circuit, which includes St. Charles County.

In addition, the officials say, girls sometimes linger in more restrictive detention centers, even in institutions, because no one else will take them.

Girls, quite simply, have a bad reputation: More troublesome, more difficult to work with, more moody — even more violent inside treatment or detention centers. A common refrain throughout the system — among judges, juvenile officers and even people who run counseling agencies — is: "Give me a good delinquent instead of a girl any day."

The consequences of that attitude toward girl offenders are harsh. In Massachusetts, for example, state officials in the early 1970s closed down their old reformatories and training schools, the penal institutions for the young. It was part of a major reform in rehabilitating delinquents.

The plan was to place the youngsters in community-based programs. But because no community program wanted the girls, they remained in their institutions almost four years after the boys had been placed elsewhere.

The reluctance to do any more than lock up girls outrages many researchers and critics of the system.

"Sure, the girls that we're talking about are not the most endearing of people," said Carol Zimmerman, director of the National Female Advocacy Project in Tucson, Ariz. "Many of them are loud-mouthed, obnoxious, given to a lot of behavior that we don't like," she said. "But is that any reason to lock them up? That is something we reserve for people who commit the most serious crimes."

## Sexual Bias Charged

To many critics, the juvenile justice system represents "institutionalized sexism," blatantly discriminating against girls on the basis of sex and perpetuating stereotypes of females.

Not all the criticism is from feminists. Some of the strongest condemnations have come from studies authored or sponsored by such establishment groups as the American Bar Association, the National Council of Juvenile and Family Court Judges, the American Corrections Association and the National District Attorney's Association.

Here are the principal findings of some major studies:

**"Little Sisters and the Law" by the American Bar Association.** Nearly 75 percent of females under 18 who are arrested and incarcerated are charged with offenses for which adults cannot be charged and boys infrequently are. Though their offenses are less serious and less harmful to society, girls are held longer in detention centers than boys are. Youth corrections facilities offer fewer educational opportunities for girls and state-run institutions for girls are usually more restrictive than those for boys.

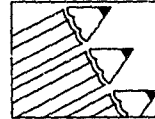
A study sponsored by the National Council of Juvenile and Family Court Judges. This study, reported in the *Juvenile and Family Court Journal*, examined the dispositions accorded 50 males and 50 females. It noted these differences: Female runaways were more often given the harshest sanctions, were more often held in custody at the time of their hearing, and less time was allotted to the hearings for the girls than for the boys. It also noted that of the 100 runaways, only girls were required to submit to court-ordered physical examinations. Sexual misbehavior, the study concluded, appeared to be presumed by the court as justification for the medical scrutiny.

Other studies found that:

— In Philadelphia, police were more likely to release a girl who had been apprehended for a delinquency act than a boy. But they were more likely to arrest a girl for sexual activity.

— In New York, probation was recommended much more often for boys than for girls. It was recommended for one of every 3.5 boys, but for only one of every 11.6 girls.

— In general, girls were less likely to have court-appointed attorneys, more likely to have been referred to the court by their parents, schools or social agencies.



## Research Is Lacking On The Who And Why

*Each year thousands of girls come into Missouri's juvenile courts. Most of them are charged with nothing more criminal than running away from home. Many are brought before judges by their own parents.*

For decades, girls in juvenile courts, police stations and institutions were no more than a footnote in the research on delinquency.

The attention went to violence — in which boys predominated — and numbers — which were boys, too. Girls, one early researcher, concluded were simply "less criminologically interesting." When delinquent girls were mentioned at all, it was most often in connection with forbidden sexual behavior.

The most recent statistics in Missouri, from 1980, show that misbehavior by juvenile girls is seldom violent. They show that:

— About 4 percent of girls referred to the courts are charged with offenses against people.

— About 15 percent are referred for crimes against property, which can be any thing from purse-snatching to theft, burglary or vandalism.

— About 44 percent — in some jurisdictions as many as 70 percent — are referred for the status offenses: truancy, running away, curfew violations, behavior injurious to self or others, incorrigibility.

— Among the status offenses, almost half are runaways.

Who, then, is the delinquent girl and why does she do what she does? The lack of research and the disputes among experts make the portrait hard to draw.

Nationally, the girl delinquent typically is a white 14- or 15-year-old. What few statistics are available in Missouri concur with that description.

Some studies also have found that the delinquent's home life often has been marked by poverty, parental mental illness and alcoholism, and child abuse. As many as 30 to 50 percent of runaway girls have been victims of sexual or physical abuse, according to some research.

Other studies have remarked on disproportionately high incidents of physical illnesses or emotional and mental disabilities among delinquents, perhaps the results of early childhood deprivation. Sometimes both boys and girls are labeled delinquent because of behavior founded in hyperactivity or learning disabilities such as dyslexia.

☆ ☆ ☆

Some of the clues to understanding the female delinquent lie in understanding the even greater mystery of adolescence, and — just as importantly — the reaction of family and society to it.

According to psychiatric literature, youngsters as early as 11 and 12 begin to feel the tugs of "growing up" pains. They are on the verge of seeing themselves as separate people from their parents and starting to establish an identity of their own. And by the time they are in their early to middle-teens, the process — and potential problems — are at a fast simmer.

Dr. Moisy Shopper of the St. Louis Psychoanalytic Institute, an expert on adolescent psychiatry, likens adolescence to a contest, but one which

the youngster doesn't want to completely win — or lose.

"Adolescents try to test out the strength of the adult world, ascertain their comparative powers," he said. "They are trying, in a sense, to outsmart the adult world. But yet they want to feel its strength in the form of caring and concern. They may be trying to find out if their parents are caring and concerned."

It's an ambivalent time, for both parents and their children, Dr. Shopper said. "Often," he said, "the children are saying by their behavior: 'I don't need you — but don't give me too much rope.'"

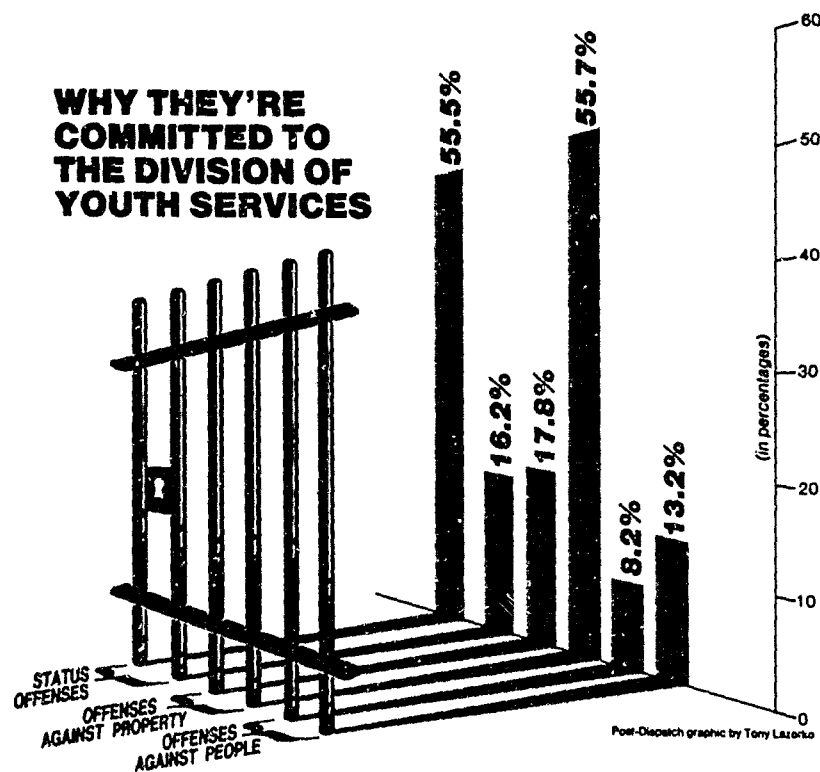
Some children, Dr. Shopper continued, have parents who can't consistently express their concern through these awkward years. And the children may look for it elsewhere. Some find it from coaches, teachers, other adults who can recognize the dilemmas. The key, evidently, is to set boundaries for children's behavior, without building prisons around the emerging adult.

If an adolescent fails to find a reliable adult with whom to establish that close, necessary relationship, he or she may acquire a sense of rejection, lack of worth — "a feeling," that "I've been robbed," Dr. Shopper said. And that can interfere with the normal maturation process.

Most children, Dr. Shopper and others say, go through phases of behavior that could be considered delinquent. Stop signs stolen late at night, lawns rolled with toilet tissue, beer-blasts when parents are out of town, stealing from a department store as the initiation rite to the "in" clique, a schoolyard scrap with bruises and torn clothes, sex in the backseat of the family car.

Some studies, called self-reporting surveys, ask groups of teen-agers to tell about their behavior while keeping their identity secret. These have found

### WHY THEY'RE COMMITTED TO THE DIVISION OF YOUTH SERVICES



that many more teen-agers engage in delinquent behavior than ever come to the attention of law enforcement authorities. At least some forms of delinquency — and the treatment that follows, incarceration, rehabilitation, warnings from judges and police — are a function of who gets caught.

Other studies have hinted that girls outgrow that kind of behavior more quickly than boys.

In the Jackson County Juvenile Court, which serves Kansas City, officials noted that pattern in its residential treatment program, which serves boys and girls. "We found that very few girls end up in trouble with the law as adults," said Dean Askeland,

director of court services. "They seem to go through a difficult period between 13 and 15, when they have personal problems, are problems to themselves. But they seem to outgrow it."

But for some youngsters, it is not a passing phase. It is, Dr. Shopper says, a symptom of something much more serious. It indicates a failure of the family to come to terms with the testing, with the growth and change, of the adolescent.

"It is a marked disequilibrium in the family, a symptom of parental failures and family function," he said. The boundaries have not been set, too much rope has been paid out for the youngster who probably didn't really want it in

the first place, or so little that outright rebellion is the child's response. Running away, he noted, is sometimes the hint of long-term family failures, a sign of depression that may even be the prelude to a suicide attempt.

At that point, Dr. Shopper said, it isn't enough to charge the child with a status offense. "The court," he said, "often doesn't take into account that the family pressures have been happening to an OK kid for a long time, and that leaves scars."

And girls, the experts say, often have a very special set of family pressures.

Families react differently to daughters and have different expectations of what behavior is acceptable for a girl. What is considered "sowing wild oats" for boys often is seen as the seeds of disaster for girls. A certain amount of rebellion — of misbehavior — by boys is more tolerated by families who expect sons to grow up independent and self-reliant.

For girls especially, says Dr. Shopper, it is no accident that the litmus test of delinquency is the ages 14 and 15. It is the time, he said, that most acquire their sense of themselves as women. "They are well-developed physically, probably almost as tall as they will be. In many ways they are mature women by then. But they are not quite separated from their families," he said.

And within that blossoming womanhood can lie the nudges toward an encounter with police and juvenile justice authorities. Both boys and girls, Dr. Shopper said, are "under great pressure to make it heterosexually." But for the girl, things are very complicated.

It is almost textbook Freud. The father, Dr. Shopper said, is himself bewildered by his daughter's maturation — and perhaps his own reaction to it. On the one hand, she is still his little girl, on the other she's an

attractive young woman. It's then that many fathers become the protector, meeting boyfriends with grim looks. And it is then that some girls become the victims of incestuous overtures, sexual harassment.

Mothers, too, contribute in the Freudian book of family disrepair, resenting the new rival. And with the tighter parental rein that's traditionally kept on girls, the daughter finds it even less easy to get out of the house.

"She has no intermediate step to get away from the pressures," Dr. Shopper said.

Out of frustration, or rebellion, some girls begin to run away to boyfriends and cliques, stay away from school, and increasingly flaunt parental authority

at home. In time, the girl's misbehavior and the parents' inability to deal with it can become a kind of vicious circle that brings them into court.

To some extent, the same patterns appear to repeat themselves in the juvenile justice system. Most judges and court officials admit that they see girls as more vulnerable and in need of protection than boys. Some acknowledge that the courts react differently to girls for the same misbehavior, largely out of that sense of girls' vulnerability. They don't agree with critics that they react more harshly or restrictively toward girls.

But others suggest that the juvenile justice system, still a predominantly male organization, has much the same

difficulties in its dealings with girls as the family does.

Within the system, Dr. Shopper said, the girl is likely to be as much a source of confused reactions as she is outside of it. "The men she comes into contact with there are fascinated, excited and frightened by her. And that's a combination of emotions that's hard to deal with," Dr. Shopper said.

Judy Pierson of Youth Emergency Services, a non-profit shelter for runaways and youngsters having family problems, also likens the court's role to that of a father with a misbehaving daughter.

"The telling tale," she said, "is that if you walk into detention centers, you'll see more girls than boys in for status offenses."

## Juvenile Crime Shown To Decline

The headline grabbers are the 15-year-old killers of pensioners, the 12-year-old assassins for street gangs, the 17-year-olds who terrorize neighborhoods and schoolrooms.

They are the foundation for law-and-order outcries, the brick and mortar for juvenile detention centers and penal institutions.

But according to the experts, they are a statistical rarity in the world of crime. Moreover, recent figures show that violent crime by juveniles — while still substantial — is on the decline.

"Most people think that we are in the middle of a juvenile crime wave," said Ira Schwartz, "but it is quite simply a myth." Schwartz is a former director of the federal Office of Juvenile Justice and Delinquency Prevention and now conducts research at the Hubert H. Humphrey Institute in Minnesota.

Among the most recent studies is one out of the Center for the Assessment of the Juvenile Justice System. Its federally financed report shows that juvenile crime declined over the last half of the 1970s. The center examined the change in Federal Bureau of Investigation juvenile-crime statistics from 1975 to

1980, the most recent available. It found that in 1980 as opposed to 1975:

— Violent crime by boys was down 11.4 percent; by girls, it was down 16.2 percent.

— Property offenses by boys were down 13.6 percent; by girls, down 18.1 percent.

— Part two offenses (everything except major violent crimes) by boys were down 9.1 percent; by girls, down 12.9 percent.

— Status offenses (runaway, curfew violations) by boys were down 40.9 percent; by girls, down 29.4 percent.

Nonetheless, figures, from the federal delinquency agency, show that youths under 18 generally account for about a third of all crime nationally. The breakdown, from 1979 crime reports shows that:

— Twenty percent of all those arrested for violent crime were juveniles.

— Juveniles accounted for 9.3 percent of the arrests for murder, 15.9 percent of the arrests for rape, 31.5 percent of arrests for robbery, and 15.5 percent of the arrests for aggravated assault.

Researchers say that most crimes are committed by young adults. Sixty percent of all arrests for violent crimes in 1979, the statistics show, were committed by people 21 or older.

Only in one crime do juveniles stand out. In 1979, 49 percent of all those arrested for arson were 17 or younger.



## Critics Call System Legal 'Chastity Belt'

Sex and the teen-age girl.

For the juvenile justice system, no single subject provokes more controversy, more consternation or more condemnation. And in no other area does the system so clearly differentiate between the way it treats boys and the way it treats girls.

Critics — judges, advocacy groups and researchers — contend that the courts and law function chiefly to protect feminine virtue rather than to protect society from or to rehabilitate young female criminals. One critic called the system a legal "chastity belt" for young women.

And, those critics contend, along with its preoccupation with the sexual activity of girls, the juvenile justice system uses its power to reinforce the traditional roles of wife and mother. They say it's Sugar-and-Spice law enforcement, with girls punished for being too little sugar and too much spice.

"Courts are spending their time, money and energy on locking up females who often have not committed a real criminal act," said Carol Zimmerman, director of the National Female Advocacy Project. The organization is based in Tucson, Ariz., and studies and works for changes in the juvenile justice system.

"The juvenile court is used to

control the sexual behavior of females," Ms. Zimmerman said. "Its mandate is to control, guide and give care to juveniles. But it has turned out to be a way of forcing morals on girls. It is merely carrying out what society says — that girls aren't allowed to do the same things that boys are."

Whether a girl comes into juvenile court as a burglar, a chronic truant or a runaway, the odds are good that her sexual history will become a part of the record.

The examination of that sexual history is justified by court officials with varying degrees of intensity. Many say that girls are particularly vulnerable to sexual exploitation and need protection.

"You wouldn't be charging the girl with sexual activity," Judge Noah Weinstein, a former juvenile judge in St. Louis County, said of how the system traditionally has worked. "You would be charging her with 'conduct that's harmful to herself.' It might be a concern that she was being sexually exploited."

Weinstein said: "It's a fair charge that the court has been more interested in enforcing chastity in girls than in boys."

Other judges and court officials say sexual activity ought to be taken into consideration when deciding what type of rehabilitation services should be offered to the girl. They acknowledge that the same should apply to boys,

though it seldom does.

The attention to sexual activity is somewhat reluctantly defended by still others. Their basic job, they say, is to reconcile families whose members are having problems with one another. And when a girl's sexual activity has become the irreconcilable difference, they feel duty-bound to offer the girl and the family some resolution.

Generally, the examination of a girl's sexual history happens as part of the court's quasi-social service role.

Court officials across Missouri say they look into girls' sexual history because they are interested in sexual exploitation of girls — conscription by pimps, for example, or sexual abuse by other adults.

"We are not normally going to get involved unless it's prostitution — and then the court is going to get involved," said Dean Askeland, director of court services for the Jackson County Juvenile Court in Kansas City.

But in reality, it's not quite that simple.

It is common to make reference to a girl's sexual activities in her official character portrait — called a social history — prepared by court staff. And that reference usually is passed on to the judge or hearing commissioner in the crucial hearing to decide what must be done with the girl.

Judge John E. Parrish of the Circuit Court that covers the Ozark counties of Camden, Laclede, Miller, Moniteau and Morgan says he has occasionally seen notes from his court-paid psychologist that mention whether a girl is sexually active. But he added, "I've never seen it on a male, I can say that."

Judge Parrish, like many other judges and court officials, says he doesn't think it's necessarily a bad idea for the decision-maker in the juvenile court to have such information. It might make a difference, he said, in the kinds of services offered. If the girl has to be placed out of her own home, for



example, it wouldn't do much good to put her with foster families or in children's homes who couldn't cope with the reality of her sexual activity.

"But," Parrish added, "I see no reason for its not being noted for a boy, because that might affect where you'd place him, too." ☆ ☆ ☆

Others contend that a girl's sexual history is often and unfairly used against her.

Said Beth Dockery, a public defender in the St. Louis Juvenile Court: "I've had boys as clients who were fathers and that would never be commented on in the court. But if a girl is a mother or is living with a boy, it's considered a serious problem. A girl's sexual history is likely to be held against her, but a boy's isn't."

Said Glenn Hunt, public defender of the St. Louis County Juvenile Court: "In dispositional hearings, I hear it come out time and again — 'She's promiscuous, she's sexually active.' I wonder what relevance it has. To me, there's a heavy emphasis in the court on curbing sexual promiscuity." But, he said, only occasionally does it surface with boys in the court.

Allowing that little bit of information into the court's consideration, the critics say, makes the court's reaction to a girl just that much more subjective. After all, the critics say, judges and juvenile officers come to their jobs with the same attitudes toward the sexuality of boys and girls that are held in society at large.

"They may try to ignore it as irrelevant," said Hunt, "but that's kind of like telling a jury to ignore something it's just heard but that has been stricken from the record. It's a piece of legal fiction that juries can do that."

At best, mentioning sexual behavior that wasn't the source of referral to the court is nosy. At worst, the critics say, it might prolong or even escalate the

court's intervention in a girl's life.

For example, a girl who wasn't adjudicated — convicted — for burglary might still find herself under court supervision or ordered to seek counseling. If her social history revealed that she was promiscuous, the court could take that as a sign that she was ill-supervised by her parents or interpret it as conduct injurious to herself.

"It could be a sign that the family was dysfunctional, and then you'd want to look closer at the home environment," explained Don Szwabo, director of court services in the St. Louis Juvenile Court.



In addition, many courts in Missouri have a kind of walk-in policy, which allows parents to bring their children directly to the court. The courts with that policy see it as part of their responsibility to help troubled families. They also acknowledge that it's one of the ways that they get involved with the sex life of teen-age girls.

"I don't know if you'd even find a court today that would file a petition (charge) on a girl for being promiscuous," said Ray Grush, chief juvenile officer for the 11th Judicial Circuit, which includes St. Charles, Lincoln and Pike counties. "But the question would be if mom and dad complained about that; then the court might get interested."

And, said Grush: "Parents do bring it up more often with girls than boys. If his son is promiscuous, then dad will probably just tell him how to protect himself. But if dad caught his daughter, then he might get more upset. It's a macho kind of thing, too.

"In that way, our society is kind of screwed up. We should be just as concerned about our boys as our girls."

Szwabo, of the St. Louis Juvenile Court, said: "My own philosophy is that the court exists for the welfare of the child and the community, and if responsible parents come in and say they need help — that they are concerned about sexual activity — then we have to help."

But what kind of help is unclear.

Most authorities, including many court officials, agree that once youngsters become sexually active, they are unlikely to stop. "It's hard to keep them on the farm once they've seen Pate," as one juvenile officer put it.

So some authorities, such as Dr. Moisy Shopper of the St. Louis Psychoanalytic Institute, suggest that if the courts are going to be involved in teen-age sexuality, the best help would be sex education and birth control counseling.

That is a controversial step that courts are unwilling to take.

Instead, most court officials say they try to mediate the differences between parents and daughters, referring them to clergymen and counselors.

At best, no one is sure that is effective. And, at worst, it is simply one more drain on an already shallow pool of resources for delinquent girls.

## Girls' Sexual Promiscuity Long Of Interest To Courts



Photo Illustration by J.S. Farber, Post-Dispatch

Throughout history, the courts and the law have taken more than a passing interest in the sexual activity of girls.

Early on, promiscuity and precocious or extramarital sex were chargeable offenses. The turn-of-the-century workhouses and "homes of refuge," to which courts referred children, dealt almost exclusively with "wayward" girls.

It was part of the Victorian view that normal women were virtuous and non-sexual and of even earlier views of women and children as chattel.

Early forays into the female psyche and character by the budding fields of sociology and psychoanalysis confirmed the common ways of regarding women — passive, nurturing, dependent. It was Sigmund Freud who offered the

definition of a delinquent female as one who was "unadjusted to her female role."

Critics of the system see Freud's pronouncement set in the concrete of policies and practices in the juvenile court. For example:

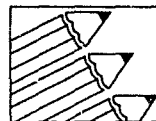
— For many years, some large urban courts routinely required girls to undergo gynecological examinations — regardless of the reason they were brought to the court, burglary to runaway. Officially, the reasons varied from cavity searches for contraband to inspections for venereal disease and pregnancy. Evidence of sexual contact was often added to the list of charges against the girl. One researcher — Meda Chesney-Lind, of the University of Hawaii's Youth and Research Development Center —

concluded the exams meant that: "Essentially all youthful female misbehavior is subject to surveillance for evidence of sexual misconduct."

— Several studies found that police and courts were more likely to release a girl brought in for a delinquent act — burglary, minor assault, for example — than a boy charged with the similar offense. But the authorities were more likely to arrest a girl for an offense with sexual overtones, such as running away or keeping late hours.

— In a survey in 1978, the U.S. Civil Rights Commission found that the status offenses under which most girls fall within the courts' jurisdictions were thin disguises for suspected sexual activity — curfew violations, incorrigibility and complaints from

parents about undesirable boyfriends. "Often," the commission concluded, "truancy and incorrigibility mean promiscuity when applied to girls."



## Alternatives Needed

Last year, more than 1,500 girls spent time in Missouri's court-run detention centers.

Some stayed a matter of hours, others for days and some for months. About 200 eventually were turned over to the Division of Youth Services, the last resort for troubled youngsters with whom no one else will deal.

Their confinement is a matter of concern to critics and court officials alike; both agree that alternatives are desperately needed.

Judges and juvenile authorities across the state say they would prefer to keep fewer girls in detention centers. But often, they say, it's the only way to guarantee the safety of girls vulnerable to exploitation on the street. Sometimes, it seems to be the only immediate option in a family crisis.

"It never ceases to amaze me the number of families whose members have totally rejected each other," said Judge Melvyn Wiesman of the St. Louis County Juvenile Court. Often, he said, a girl comes to the courts when the family dispute has reached an impasse — either the parents refuse to take her home, or she refuses to stay.

Ray Grush, chief juvenile officer of the St. Charles County Circuit Court, said: "Many times at midnight, I've argued with parents who want me to put their

daughter in detention."

But critics maintain the courts take too lightly the basic issue of detaining girls — and boys for that matter. They say only dangerous offenders should be deprived of liberty. And they suggest that courts — and state officials who control the purse strings — are at least partly responsible for the shortage of alternatives.

"We think it is a violation of constitutional rights," said Harry Swanger of the National Juvenile Law Center, a federally supported organization of lawyers. "It is cruel and unusual punishment to be locked up for non-criminal activity." He was referring to behavior for which most girls come into the courts — running away, truancy or curfew violations.

Swanger and others suggest that more money should go to supporting alternatives, such as emergency foster care.

But even the critics concede that those alternatives are hard to come by. It is a state of affairs with which no one is happy but which no one is entirely sure how to resolve.

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Court officials and critics alike say there is a desperate need for emergency shelters for runaways and for girls who may need a safe place to stay while family disputes cool. Some need long-term shelter when differences become irreconcilable, and still others could use an array of services to defuse more family crises.

Private programs — to which the courts now can turn — are stretched for accommodations.

Youth Emergency Services, a non-profit shelter and group home in University City, is trying to increase the number of beds in its group home amidst its chronic need for more money.

At Youth In Need, a shelter in St. Charles, more youngsters are staying longer because other, more permanent arrangements are increasingly hard to come by. Director Sue Schneider said the caseload there was up about 20 percent from last year.

"Foster care for adolescents is practically non-existent. We have trouble recruiting and keeping foster families who want to deal with their problems," Mrs. Schneider said.

Other alternatives such as private long-term residential centers and group homes are working with reduced budgets as the result of cuts in state and federal social programs.

As a result, Mrs. Schneider said, "We've been ending up sending more kids off to the Job Corps and

probably will have to do that more and more in the future."

The Job Corps is a federal anti-poverty program started in the 1960s to train teen-agers and young adults for work that would make them self-supporting. It accepts school dropouts and delinquents between the ages of 16 and 21. It provides them with housing and often remedial education during their job training.

Don Szwabo, director of juvenile court services in St. Louis, said: "Resources for girls are at a premium." There are maternity homes for pregnant girls, he said, but there are not enough emergency shelters.

Many doors are closed to the court system's neediest clientele, girls whose records may include assault and chronic truancy, officials say.

Some children's homes, which provide long-term living arrangements for youngsters who have been abandoned or abused by their parents, are leery of the runaway and reluctant to assume responsibility for her. Others, that emphasize educational programs, have entrance requirements that many of the girls who come to court can't meet.

Many courts run their own small group homes and programs for juveniles outside of detention. But even with them, there are problems. The St. Louis County Juvenile Court, dissatisfied with its group home for girls, recently closed the facility to revamp its program.

But there are a few glimmers of hope on the bleak horizon. For example, the Division of Youth Services has set up a subsidy program, which gives grants to the juvenile courts. This year, the allocation is \$475,000 and about half of the state's court circuits are participating.

Several have used the money to pay for counseling, said John Bonnot, administrator of the program. But in four jurisdictions, the money was used to help support detention centers. In the future, Bonnot said, the subsidies will be available only for programs to reduce the number of youngsters in detention.

Meanwhile, the federal Office of Juvenile Justice and Delinquency Prevention has given Missouri \$873,000 for grants to be administered by the state advisory group. So far, the group is financing 22 projects across the state to help courts find alternatives to detention. Among those receiving funds have been:

— Youth Emergency Services in University City to

enable it to take status offenders from the two local courts.

— Foster parents to take status offenders referred from the Jefferson County Circuit Court.

— A short-term emergency shelter in Livingston County in north-central Missouri.

— An emergency shelter and counseling service based in Sikeston in Missouri's Bootheel.

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Meanwhile, controversy reigns over the ground rules under which courts can hold juveniles in custody.

Missouri law allows for a juvenile to be detained pending hearings and trial for up to 72 hours, plus weekends and holidays. A girl can be held that long if court officials think that she is a threat to society or a danger to herself or that she might not appear for her hearing.

Before the 72 hours expire, there must be a hearing to determine whether the detention is to continue. But that hearing takes into consideration those same factors and doesn't directly address the question of whether the juvenile committed any offense.

Under the guidelines of the federal Juvenile Justice and Delinquency Prevention Act of 1974, upon which Missouri depends for federal grants, status offenders generally are not supposed to be held longer than 24 hours. But interpretation of that requirement is a matter of dispute between Missouri court officers and federal officials.

There are no statewide standards for detention. Each of the 43 judicial circuits sets its own policies. And while most agree on how to define a threat to society, there are wide variations on what kind of behavior is a danger to the juvenile.

That can be anything from threats of suicide, to running away from home, even truancy.

One detention officer suggested that chronic truancy could be considered a danger to the juvenile, since staying out of school is likely to harm job opportunities and dim prospects of a productive future.

Critics, such as Harry Swanger of the National Juvenile Law Center, maintain that the crucial categories in Missouri law — danger to self or society — are so open to interpretation as to be meaningless. They suggest that, with the pervasive protectionist attitude toward them, girls are kept in custody far more often than is warranted.

Many court officials admit they consider girls — particularly runaways — especially vulnerable.

Fearful of what might happen to them on the streets — conscription by pimps, rape and attack — the officials say they sometimes keep girls in custody, at least temporarily, for their own protection.

"If we turn her loose, 15 minutes later she'll be back on Highway 70," Szwabo, of the St. Louis Juvenile Court, said of the concern court officials have. "And two days later you may have her naked body turn up — which is the fate of a lot of female hitchhikers."

Szwabo and other court officials don't see detention as negatively as critics do. They bridle when critics refer to detention centers as jails. And they point to the amenities offered in many modern facilities: tutors, small libraries, recreation areas, comparative freedom of movement. The St. Louis County Juvenile Court even has a small above-ground swimming pool.

But to the critics, a gilded cage is still a cage.

"What is a jail but a place where someone else determines what time you'll go to bed, get up, eat, keeps watch on your every move?" asked Ira Schwartz, former administrator for the federal Office of Juvenile Justice and Delinquency Prevention. "It is still a matter of deprivation of liberty. How would they — people who run the courts — like it if I locked them up for their own protection?"

To some, detaining girls to protect them from the dangers of street life is a form of reverse discrimination.

Sgt. Gary Young of the St. Louis County Police Department's juvenile unit said police were becoming increasingly aware that boys were also recruited into prostitution rings and subjected to physical and sexual abuse at home and on the streets.

"Young boys are definitely sought after," he said. "If protection is what you're after, you need a more thorough screening to see just who has been victimized and who is vulnerable."



## State Lags In Keeping Girls Out Of Detention

For a decade now, the push nationally from reformers has been to get delinquents out of institutions.

The old training schools and reformatories have been condemned as warehouses where youngsters learn more criminal skills from each other and often are abused by staff and institution-wise teen-age trustees. Studies have found that the youngsters with the least exposure to the legal system tend to straighten out their misbehavior the quickest.

Various experts say Missouri has been a half-hearted participant in this movement. For example, failure to comply with federal regulations governing the amount of time a status offender can be detained cost the state \$1.3 million in juvenile justice grants in 1980.

Since then, however, the state has received \$873,000 to finance

programs to help keep youngsters out of detention centers. The result, state officials say, has been a 75 percent reduction in detention of status offenders beyond 24 hours.

But Ira Schwartz, former head of the federal Office of Juvenile Justice and Delinquency Prevention, says Missouri courts are still admitting status offenders to detention too often.

Schwartz, who now does research at the Hubert H. Humphrey Institute in Minnesota, says Missouri has a bad history on this issue. For example, he said, the Children in Custody Report, gathered in 1979 by the U.S. Census Bureau, reported that:

— Between 1974 and 1979, when the national movement against institutionalization was strongest, Missouri actually increased its commitments to training schools by 11.3 percent. At the same time, Missouri courts detained 13 percent more juveniles.

— In 1979, although there was much less violent and serious property crime in Missouri than in most states, Missouri more frequently detained and committed its juveniles. Its rankings: 24th for amount of violent crime; 40th for serious property crime; 16th for the number of juveniles its courts detained; and 20th for the number it committed to training schools.

— The state's three metropolitan courts — St. Louis, St. Louis County and Jackson County in Kansas City — detained a higher percentage of youngsters than other, larger metropolitan areas. Each of them had higher detention rates than courts in Cook County, Ill., for example.

## Girls Group Home Is In Poor Location

For years, the end of the road for delinquent girls in Missouri was the isolation of "Chillicothe."

The old-style reformatory in north-central Livingston County, called the Training School for Girls, theoretically was a junior prison for hard-core criminal girls — burglars, prostitutes and the violent. But at one point, the population in the 120-bed institution was 40 percent status offenders — runaways, truants, curfew violators and the like. Its chief rehabilitation tool for them all was a course in cosmetology.

In 1981, Chillicothe closed its doors to juveniles, becoming a prison for adult women.

Now the state Division of Youth Services operates an assortment of smaller-scale programs, some in state parks, others in group homes and regional facilities. Two of its 13 group homes are for girls, one each in Kansas City and St. Louis. Most of the others are coeducational.

"We think it's a much more natural setting," said James B. Hair, division director. "We find that the youngsters care more about their appearance, their language and behavior around each other."

The idea of all the changes was to get away from institutions, to keep juveniles in their own communities rather than isolating them from society. For the most part, division officials say, the idea has succeeded.

Except in St. Louis.

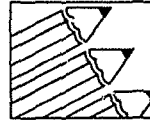
Here, the state's rehabilitation facilities are in neighborhoods that are among the city's most dismal and dangerous.

The Hogan Street Regional Youth Center, for the most dangerous offenders, is a fortresslike building that once was a church. It sits in a landscape that dissolves into urban tatters, acres of rubble punctuated by the standing skeletons of a few houses. Street life on these derelict blocks is rough, poor, sometimes violent.

The group home for girls in St. Louis has a slightly less bleak prospect. Around it are fewer piles of rubble and more houses with life in them. But its location, hardly a niche of tranquility and safety, has cost the girls who live there most of the advantages that are supposed to accompany a group-home setting.

Security has replaced an opportunity for positive relationships with the community. "The doors are locked more to keep the community out than the girls in," Hair said. "We have even had pimps come up to the door and knock."

The 10 girls at the home are mostly status offenders. Most are also white and division officials say that their introduction to an all-black school district was fraught with problems that neither the girls nor the division could handle. So instead, the girls go to classes at the Hogan Street Center.



## National Example

### Court In Michigan Refuses To Jail Status Offenders

Back in 1973, Chuck Kehoe was touring his new balliwick, the juvenile and probate court in Berrien County, Mich., when he found five truants in the detention center.

Within minutes, Kehoe, just hired as director of court services, was in the judge's chambers.

"Does it make sense to you," Kehoe queried the boss, "to keep kids who *won't* go to school in a building where there *isn't* any school?" To which the judge responded, "No-o-o."

Today, that juvenile court's policies and programs have brought national recognition to Berrien County, where St. Joseph is the county seat.

Oddly enough, the attention comes as much for what the court doesn't do as for what it does. It no longer keeps status offenders — children guilty of truancy or running away — in its detention center. It doesn't involve the legal machinery in sex counseling. The judge doesn't referee family squabbles.

"Our philosophy is that there are limits on what we can do," said Kehoe. "We can't take a family that's been in chaos for 10 years and straighten them out. We can give them resources, but we can't straighten them out."

Nowhere have the implications been greater than for girls. In 1973, about half of the youngsters in detention were status offenders; about half of those were girls.

Now, said Kehoe, "We don't average a young lady a day in detention. And if a young lady is in detention, she's there for a

criminal offense."

At the time Kehoe was interviewed, only one girl was in detention. She was being held on a larceny charge.

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Berrien County is a semi-rural area on Michigan's southwestern border with Indiana. Its population is 171,000, the 10th largest in the state. But Berrien ranks much higher on the factors usually associated with delinquency. It has the state's fifth-highest crime rate and one of its highest rates of child abuse. St. Joseph is the home of Whirlpool appliances, but the county is not an affluent area. Many of its residents are on welfare.

But its court officials have found new solutions to old problems. The court has nurtured privately run shelter programs. New divisions of labor have been worked out between the court and other agencies, agencies that used to depend on the courts to solve their problems with troublesome youngsters.

Among the court's most significant changes were:

▶ Setting up a separate system for handling the status offenders and family problems.

The Youth Services Bureau is supervised by the court. But it is kept at arms length, housed in a separate building a mile away from the court. The bureau has its own staff, its own public image and even its own stationery — on which the judge's name is pointedly absent. The idea is to avoid the stigma often attached to children when they come into contact with the judicial system, explained Kehoe.

The bureau's tasks range from finding emergency shelter for a runaway to coordinating programs to keep truants in school, to arranging for family counseling. It even ran the county's youth-employment program until the federal money dried up.

▶ Working with a network of social-service providers, such as mental-health clinics and emergency shelters.

The court makes wide use of a nonprofit group called Link. Link counsels troubled youngsters and their families and offers shelter for runaways and other youngsters who might otherwise wind up in a detention center.

The relationship between the court and Link is more than cordial. Kehoe campaigned recently on local radio to help raise money for Link.

The court has used its clout with the state mental-health agency to create other programs for troubled youth.

Kehoe said the mental-health agency had been reluctant at first to take status offenders, who have a reputation for being difficult to work with. But resources were sufficient for the agency to take on the challenge, Kehoe said.

► Establishing a set of policies that make it difficult for parents to dump problems on the detention center.

The policies require parents to show they've tried at least three community resources on their own before the court will even get involved. If parents refuse to go to counseling, Berrien County has a simple solution.

"We have no hesitation about filing a neglect petition (charges) against them," said Kehoe. "Parents have a responsibility to care for their children. If we offer them options and they refuse to take them, that's neglect." Even if a case against parents isn't prosecuted, the bluff is often enough to do the trick.

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Not all the changes came easily. At first, police were reluctant to use the Youth Services Bureau. But indoctrination campaigns have turned police into one of the court's most effective agents. Now, police automatically take the youngsters in need of social services, mostly the status offenders, to the bureau, Kehoe said.

A joint policy committee has led to new programs for troubled youngsters in the schools. The committee consists of representatives of the 14 school districts, parents, and court officials.

Since that day nine years ago when Kehoe questioned the practice, the court has simply refused to put truants in detention. "We got to school officials and just said, 'That practice is over,'" Kehoe said. Instead, truants are put into special educational programs — within the schools.

The court was strongly supported by the county government when it changed its tactics. But the task of re-educating the policymakers and the public had its touchy moments. One of those times came when the court decided it would no longer involve itself in the sex life of adolescents. Other judges and juvenile authorities in Michigan and other states — when Kehoe told about the court's changes at seminars — accused Berrien County of not caring about the problems of venereal disease and teen-age pregnancies.

"I would just have to tell them that, sure, we cared. Those are serious problems," said Kehoe. "But the court isn't the health department."

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Kehoe, 38, began his career as a guard in a maximum-security prison for adults in Illinois.

Since then, he's been a social worker involved with children and a consultant on social programs. He says the way things are done now in Berrien County is only common sense.

"For what it costs us to keep a kid in the detention center for two days," he said, "the Youth Services Bureau can serve that kid for 60 to 90 days." Detention costs \$80 a day; a case handled by the bureau costs \$157.

Kehoe is equally certain that his county's methods can work in larger metropolitan areas. All it really takes is a commitment by those who run the courts to some special philosophies, he says. Chief among those is the maxim: Only the dangerous delinquent should be confined.

"We all suffer from the 'edifice' complex," he said, "and we want to have buildings and justify their existence by using them. But there are alternatives if court officials look for them."

He points to South Carolina as an example. South Carolina recently recruited 300 foster families to keep delinquents out of detention — for no pay.

Said Kehoe: "And they said it couldn't be done."

## Critics Say

Critics of Missouri's juvenile-court system — especially of the way it deals with girls — say courts must begin to focus on the family as a whole rather than limiting their attention and power to the youngster.

Court officials know that most of girls' misbehavior is rooted in family conflict. But girls are routinely charged with an offense. A girl may be fleeing abuse but be charged with the status offense of running away from home.

Sue Schneider runs Youth In Need, a shelter and counseling agency in St. Charles. She said, "The emphasis has been on treating the sick kid, when it's the family that needs help. And a lot of times we'll see the girl get treatment and then along comes little sister with the same problem."

Some court officials maintain that the courts have little authority over parents. Few prosecutors will pursue them, said St. Louis County Juvenile Judge Melvyn Wiesman. He suggests revamping the juvenile courts into family courts that have more power over parental behavior.

Critics suggest other changes in the juvenile courts and in services for the girls who come into them. Among their suggestions:

► Devote more effort to keeping the status offenders out of the legal machinery.

The St. Louis Juvenile Court has a special unit for status offenders — those guilty of offenses that are not offenses for adults, such as running away. The court here finds counseling and sometimes special living arrangements

## System Should Focus More On The Family

for youngsters having trouble at home. Last year, the unit handled 4,000 cases that might otherwise have come into court, officials said.

In Camdenton, Mo., schools and court officials have developed a special project to keep truants in the schools — doing lessons under strict supervision — rather than in detention centers.

Some researchers, lawyers and judges think the status offenders shouldn't be in the legal system at all. That class of juvenile offense should be eliminated entirely, they argue, with those problems going to social-service workers.

But many judges suspect that the public won't accept that solution because the behavior of status offenders is disruptive.

► Make the guidelines for keeping juveniles in detention centers clear and uniform.

The state law is generally conceded to be vague on that issue, so each court sets its own policies. A group of court officials, the Juvenile Justice Review Committee, may deal with the problem of guidelines. Research on how and why juveniles are detained could lead to a set of statewide standards for detention policies.

► Find alternatives to detention and rehabilitation, especially for girls, because they are seldom charged with serious offenses.

In Massachusetts, a Proctor Program matches young girls with adult volunteers. The girls go into the adults' homes instead of into detention centers while awaiting court hearings.

In New York, status offenders who haven't been helped by traditional rehabilitation programs are allowed to live independently. They are given a stipend for expenses and special schooling. The idea is to help them get jobs and become self-supporting.

Those kinds of programs do more than court intervention to meet the real needs of most girls in trouble with the law — shelter, food, clothing and a close relationship with a responsible adult — researchers and critics say.

Lynn Lyss is chairman of the state advisory board on juvenile justice and delinquency prevention. She suggests that Missouri should consider something similar.

"Many girls who've done their time in the Division of Youth Services still can't return to their families," she said. "But with a little money and training they could live independently and get jobs to care for themselves."

An even more radical departure from current practices is a suggestion from Noah Weinstein, a retired circuit judge in St. Louis County.

"My pet theory," he said, "is that instead of bringing the youngster into the court, we ought to send the counselors into the home." He says that would have the dual purpose of keeping the youngsters out of detention and defusing the trouble at its source — the families.

The universal theme of the critics is a call for changes in attitudes.

"We need to get away from the paternalism that characterizes courts," said Harry Swanger of the National

Juvenile Law Center, a group of lawyers.

According to Ira Schwartz, former administrator of the federal Office of Juvenile Justice and Delinquency Prevention: "The courts know better than anyone who are the dangerous youngsters, and that they are seldom girls. They have a responsibility to educate the public about that. And if they don't they're derelict in their duties."



*The Idaho Statesman*

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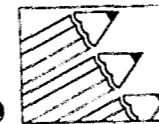
## **Juvenile Justice in Idaho**

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*A Three-Part Series*



*By Gary Strauss*



# Is there justice for juveniles?

More than four months have passed since the slaying of a 17-year-old Ada County jail inmate, but the passage of time has not erased the limitations of Idaho's juvenile justice system — or the circumstances that led to Christopher Peterman's death.

Peterman's brutal slaying has served as a focal point for critics of Idaho's juvenile justice system, reviving old arguments that Idaho juvenile laws are inconsistent and that the state lacks adequate delinquency prevention programs, alternative sentencing plans and youth treatment facilities.

In short, critics say, the state is neither committed to keeping its estimated 305,000 youths out of trouble nor to dealing with the ones who do break the law or need help.

"There's a sense of frustration among many of the people who

deal with juveniles in this state," Latah County Prosecutor Bill Hamlett said. "There are questions about who we're supposed to rehabilitate and what we're supposed to do with the kids that we want to rehabilitate."

Said Idaho Law Enforcement Director John Rooney: "There's no consensus of feeling, no goals, no single direction or concerted effort regarding juvenile justice by the courts, the prosecutors, law enforcement and the Legislature."

"The Peterman case just brought the problems to the surface."

Peterman's death highlights shortcomings in Idaho's juvenile justice system and inconsistencies in the way Idaho's juvenile lawbreakers are handled — from

the time they are spotted on the street until the time their cases are disposed of.

Unlike adults, for whom there are more sentencing options and facilities, an Idaho juvenile's "sentence" may hinge less on his crime than it does on the county he lives in, the availability of services or the philosophy of the judge.

"In some sections of the state, the jailing of juveniles is used as a disciplinary measure," said Hamlett, a member of the Idaho Youth Commission, which oversees the spending of federal grant money designed to prevent juvenile delinquency and is proposing reforms in present Idaho laws governing youths.

"Judges have their own vision of how juveniles should be han-

dled. So do law enforcement agencies. I wouldn't dream of locking up a kid for being a runaway, but in some jurisdictions, he's locked up for 20 to 30 days."

For example, a Latah County youth who flees from home probably would not be cited for being a runaway — a status offense for which no adult would be charged. But in several conservative southeastern Idaho counties, he might receive jail time.

"The way kids are handled varies from county to county, from the small town to the large community, from the cop on the beat on up," said John Shuler, Youth Rehabilitation coordinator for the Idaho Department of Health and Welfare. "There's a lot of leeway and a lot of people have a piece of the action."

Sheer numbers alone may cause discrepancies in the way Idaho's juveniles are dealt with.

More than 26,000 Idaho youths were arrested in 1980 and 1981, with 14,164 youth (6,695 in 1980 and 7,469 in 1981) spending at least some time behind bars.

Juveniles have accounted for 33 to 38 percent of statewide arrests since the mid-1970s, when the state began recording crime arrest rates. In 1981 alone, 60 percent of those arrested for auto theft and 54 percent of those arrested for larceny were juveniles.

Nearly 4,800 of the 12,782 youths arrested last year were handled by local police departments and released to parents; 7,224 were referred to juvenile court or local probation departments; 174 were referred to welfare agencies; 322 were referred to another police agency and 265 were processed in adult courts.

## About the Author

GARY STRAUSS has worked with *The Idaho Statesman* as a feature writer, general assignment reporter, and court reporter since 1978. He holds his B.S. in Journalism from the University of Colorado.

Strauss has placed first in both the Idaho Press Club awards, 1979, and in the Inland Empire SPX awards, 1980. He won his 1980 award for local news coverage of an Idaho State Penitentiary riot.

The torture-slaying of a 17-year-old youth who had been imprisoned for failure to pay a small amount in unpaid traffic fines outraged the Boise community and served as a focal point for critics of Idaho's juvenile justice system. It was this incident that prompted Strauss to initiate a study that would inform his readers about the juvenile justice situation in the state.

To research this series Strauss traveled throughout Idaho and was struck by the relatively few alternatives to placing children in traditional lockups. He therefore decided to focus his study on the overall problems with treating and jailing juvenile law breakers in Idaho.

The number of jailed status offenders was so high (1,321) that it almost jeopardized federal funding of Idaho programs designed to prevent juvenile delinquency and keep juveniles out of adult jails and lockups, said Paul Wahlberg, the federal administrator who oversees Idaho's grant money.

In Ada County, with an estimated juvenile population of about 52,000 youths, 72 were charged with status offenses and five were held in custody more than 24 hours in 1980.

In Bonneville County, which has an estimated juvenile population of 24,000 youths, 116 were arrested for status offenses and 92 were held in lockup for more than 24 hours.

Eight Idaho counties have a policy of not holding juveniles, others have limited the jailing of status offenders because their jail facilities are inadequate or overcrowded.

Ironically, it is the habitual juvenile delinquent with frequent jailings who often receives the best rehabilitation, counseling and treatment in Idaho, a Catch-22 situation that alarms many of those in the juvenile justice field.

"By the time a kid's gotten that far in the system, he's often established a crime lifestyle, and it's awfully hard for any system to change that kid's values and attitudes," said Boise Police Lt. Jim Lamborn, a 20-year law enforcement veteran who heads the city's juvenile crime unit. "The juvenile justice system isn't geared up to deal with most kids."

Said Hamlett: "It's just another great failure of the juvenile justice system — the lack of followup

and treatment after the very first contact with the law. You get a kid who commits a petty crime, and usually let him go. You hope he straightens himself out.

"But he may decide that crime pays. He never really comes to the system's attention again until he's built himself a pretty good criminal rap sheet."

The classic juvenile delinquent case of the youth who starts out committing a status offense, runs through the justice treadmill of probation or a warning, then goes on to commit more serious crimes, is an old one. But many child-care advocates say if Idaho's communities developed better ways of dealing with their youths when they first break the law, it would create more of an impact on a youngster and deter youths from doing wrong again.

Some communities are making novel efforts to combat juvenile delinquency, not only to deter crime, but as a cost-cutting measure.

Buoyed by \$46,000 in federal seed money, Kootenai County began a youth diversion program in January that has diverted about 250 young lawbreakers from the court system to community service work.

"This eliminates the need for extra prosecutors, judges and administrative staff," Diversion Program Administrator Bill Kenney said. "It also makes an impact on the the kids who break the law by instilling accountability for their actions."

Bonner, Caribou, Cassia, Minidoka and Payette counties have similar programs, with community-staffed youth accountability boards determining the punish-

ment for juveniles caught breaking the law.

Ada County Magistrate Tom Morden said diversion programs are among some of the better solutions to jailing or detaining youngsters.

"The catch is that these programs aren't popular with the public," said Morden, the state's only full-time juvenile court judge. "They think that keeping them off the streets will provide them some security. But that's incredibly expensive and it doesn't make sense to me.

"Our money would be better spent on positive diversion and prevention programs to keep kids from coming to court."

While judges are finding it difficult to mete out punishment or find treatment for youths, state and federal money designed to support a few available options has decreased or has been eliminated altogether.

State money for mental health programs and federal money for youth probation-officer funding has been eliminated or curtailed, while inflation and other budgetary moves have increased the caseloads of social workers and eliminated training programs, Shuler said.

Only a handful of Idaho counties have their own probation officers. Most contract with the Health and Welfare Department for youth services, primarily because they do not have the resources to provide their own programs, Shuler said.

"Caseloads have gone up at least 15 percent in the last year, and some caseworkers are serving up to 60 kids at a time, he said. "There's no money available for

County	Juvenile population	Charged with status offenses	Jailed more than 24 hours
Ada	52,000	72	5
Canyon	27,046	356	24
Bonneville	24,600	116	92
Total Idaho	306,655	1,321	269

Source: U.S. Department of Justice, Office of Juvenile Justice

	Juvenile arrests	Adult arrests
Total arrests	35 percent	65 percent
Burglary	56 percent	44 percent
Auto theft	60 percent	40 percent
Larceny	54 percent	46 percent
Murder	6 percent	94 percent
Rape	2 percent	98 percent

Source: Idaho Department of Law Enforcement

training, and caseworker visits with kids have been greatly reduced.

"The system hasn't fallen apart, it's just slipping fast," said Shuler, whose department serves as the umbrella organization under which most of Idaho's juvenile facilities operate.

Even private funding has dried up.

Ada County's Magistrate Referral program, which provided judges with alternative sentencing to fines and jail terms for juveniles and adults alike, ended in 1981 for lack of funds. From 1976, the referral program assisted 53 social service and government agencies and provided 37,000 hours of volunteer work.

Last month, Boise's Hays Shelter Home for teen-aged girls announced that lack of funding would force its closure, although the home — which has served as a temporary haven for more than 1,100 girls — eventually was given a financial reprieve with the boost of additional county and private funds.

Underlying the lack of programs and shortage of funds for juvenile justice and rehabilitation are inconsistent, vague laws that are in dire need of change, Attorney General David Leroy says.

For example, an Idaho youth facing the death sentence for murder cannot smoke cigarettes because it is against the law. (Citing that law, a 4th District Court judge recently denied access to cigarettes to one of the 17-year-old defendants in the Peterman case).

Yet youths caught with tobacco or alcohol products are processed in adult courts, even though they

conceivably could wind up in a juvenile section of a jail because of their age.

These youths traditionally were processed under the state's juvenile code until the Idaho Legislature amended the law in 1981. Primarily as a result of that change, the number of juvenile court petitions dropped from 7,607 in 1980 to 6,916 last year, while magistrate court petitions increased by about 22 percent, from 7,091 in 1980 to 8,692 in 1981.

"In a sense, that law is a logical inconsistency because we're using the adult system to punish juveniles for acts only a juvenile would be guilty of," Leroy said.

Peterman was sentenced as an adult to 15 days at the Ada County Jail for contempt of court, but because of his age, he was placed in a juvenile section of the jail.

There he encountered cell mates who had been charged with more serious crimes. However, because of their age, they were processed in juvenile court and housed in the same cell as Peterman.

"The legislation on the books is just not sensible," Ada County Prosecutor Jim Harris said. "A juvenile who commits a burglary is treated as a juvenile. But a juvenile who commits a traffic offense is treated as an adult."

Byron Johnson, the Boise defense lawyer representing Sean Matthews — one of the youths charged with Peterman's death — believes there are other inconsistencies in state juvenile laws.

Johnson, who wanted Matthews' case moved from adult to juvenile court, argued in briefs filed with the 4th District Court that state laws regarding the

prosecution of youths charged with "heinous" crimes are unconstitutional.

Another inconsistency is state law covering the jailing of criminals and non-criminals, Leroy said.

Under Idaho law, prisoners who have been convicted of crimes must be kept separated from those awaiting arraignments. Yet further legal inconsistencies make it difficult to determine whether Ada County officials violated the law when Peterman and the other youths were placed in the same jail cell, Leroy said.

"Reading the laws as applied to the Peterman case, I cannot say the law was violated, nor can I argue that it was not," Leroy said. "It's something that should be changed by the Legislature."

"The old divisions of separate cells for juveniles and adults (as mandated under Idaho code) may not be a sophisticated enough classification system because of the propensity of violence of some juveniles."

Few of these arguments are new ones. But they have been getting renewed attention in the wake of Peterman's death, and juvenile advocates concede that the single tragedy has done more to focus public interest on the inadequacies of the juvenile justice system than years of harping by those in the juvenile justice field.

"That kid may have done more to shed light on the situation than most of us could do in years," said Jerome Miller, president of the National Center on Institutions and Alternatives.

"Were the public to know much of what goes on in the juvenile justice system, they'd demand re-

forms, not the conservative approach of merely locking up kids that's practiced in Idaho and many other states today."

More often than not, the public knows little, if anything, about which youths break the law and what happens to them if they are caught.

As in most states, Idaho juvenile records — from arrest, court disposition and treatment — are confidential.

"The practice of jailing juveniles has traditionally gone undetected by the general public and been cloaked in a litany of myth and misunderstanding," said Ira Schwartz, administrator of the federal Office of Juvenile Justice and Delinquency Prevention. "The practice often does not see the light of day until a tragedy brings public attention."

## Twice as many kids get caught in Idaho

Idaho juveniles were arrested at nearly twice the national average rate in 1981, although state law enforcement officials are unable to explain why.

Idaho youths, those 18 and under, accounted for one-third of the 39,000 arrests in the state, and about 35 percent of those juveniles were age 15 or under, according to Idaho Law Enforcement Bureau statistics.

Nationally, 10,203,575 persons were arrested, but 2,035,000 (19.8 percent) were juveniles, according to Justice Department statistics.

Juveniles accounted for 56 percent of those arrested in Idaho last year for burglaries, 60 percent of those arrested for auto theft and 54 percent of those arrested for larceny. In each category, the

Idaho juvenile arrest rate was more than twice the national average for those crimes.

Of the 12,779 Idaho youths arrested last year, 694 were age 10 or under; 1,028 were 11 to 12; 2,734 were 13 to 14; 2,283 were 15; 3,030 were 16 and 3,010 were 17.

Among violent crimes, these youngsters committed three murders; five rapes; 32 robberies; 1,193 burglaries; 2,232 larcenies and stole 231 autos.

State authorities estimate that more than \$6.9 million was stolen in larceny-related crimes and more than \$7.4 million in burglaries.

Law enforcement officials are at a loss to explain why Idaho's juvenile arrest rate is nearly twice the national average.

"There could be a whole array of reasons for the number of kids getting arrested," said John

Rooney, director of Idaho's Law Enforcement Department. "They may be getting caught in Idaho more often. Maybe the kids in metropolitan areas in other states are sharper in not getting caught."

Boise County Prosecutor Tom Cushman, head of the Idaho Prosecutor's Association, said he believes national and Idaho juvenile arrest rates may be low compared to the actual percentage of crimes committed by youths.

"Up to 40 percent of all crimes may be caused by juveniles," Cushman said. "Maybe more juveniles are arrested in Idaho because we have a little better handle on them, and it's easier to discover a crime and make an arrest."

Typically, the youths having the longest "rap" sheets are abused, neglected, undereducated and the

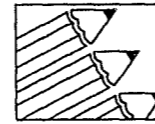
products of broken homes, said Dick Kendall, director of programs for the Idaho Youth Services Center, the sole state-run reform school located in the rural southeastern Idaho community of St. Anthony.

At the North Idaho Children's Home in Lewiston, one of the largest private residential youth treatment facilities in the state, many of the four dozen youths residing there have been victims of abuse or neglect.

Last spring, 42 of the NICH residents had been emotionally neglected, 30 had been physically abused, 11 had been sexually abused, 20 were from broken homes, 23 had substance or alcohol abuse problems and 20 had parents who were alcoholics.

Nine of the youngsters had attempted suicide and 20 had run away from home. Three dozen had prior arrest records and 19 had been suspended or expelled from school, said Dan Mahler, director of NICH residential services.

Of the 44 youngsters at the Idaho Youth Ranch in Rupert, all but 10 percent suffer from family disfunction — abuse, broken homes, or neglect, and about 60 percent have gotten in trouble with the law, said Youth Ranch treatment director Chuck Yeaton.



# Juvenile justice

## Problem kids shuffled across state

Like so many pieces on a giant geographical chessboard, Idaho's juvenile lawbreakers are routinely shuffled throughout the state for analysis, treatment and incarceration.

For psychiatric evaluation, hundreds are sent to the state-run Juvenile Diagnostic Unit in Orofino; for residential treatment, dozens more wind up at the privately run North Idaho Children's Home in Lewiston or the Idaho Youth Ranch in Rupert.

For more punitive punishment, they are sent to Idaho's sole state-run reform school, St. Anthony's Youth Services Center, in southeastern Idaho.

Because there is such a wide dispersion of treatment centers in Idaho, the youths who need care are funneled to all corners of the state. This piecemeal approach to juvenile justice and the lack of juvenile facilities often hampers or eliminates altogether timely treatment because of the existing centers are overcrowded or at capacity.

More than 26,000 Idaho youths have been arrested in the past two years, and about 14,000 of those have spent at least some time behind bars. Many need more than jail time, but at any given time, Idaho's youth treatment facilities and foster homes can handle only a fraction of those youths.

"I don't know what kind of help most of these kids are getting — if they are getting any help at all," North Idaho Children's Home Director Mark Hopper said. "It's baffling."

To compound the problem, hundreds of miles often separate the facilities from juveniles' homes, often detracting from what little treatment is available.

"The sheer distances in Idaho make it hard to do any work with a kid's parents," said Chuck Yeaton, program director for the Idaho Youth Ranch in Rupert, the largest private youth residential treatment facility in the state. "It's also

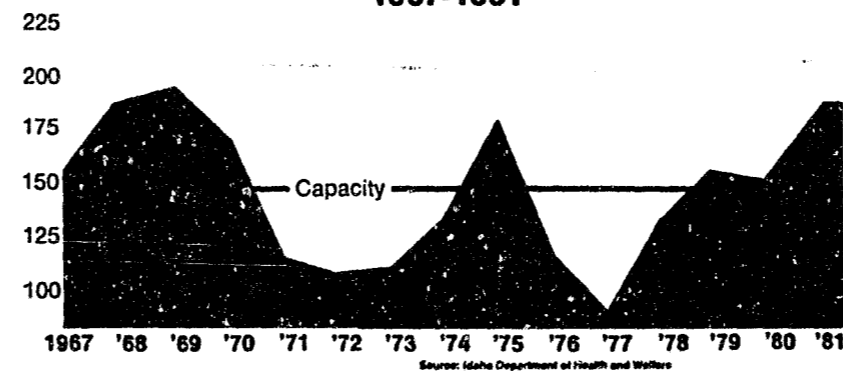
hard for us to follow up on anyone who leaves here. Once they head for home, they're thrust into the same non-forgiving community that isn't able to see the gains they've made here.

"We also run across kids who we can't help — most have been constantly shuffled through the system and can't build any genuine relationships with anyone."

Said Hopper: "Distance from home is one of the most frustrating things for us. It's awfully hard for us to get involved with a child's family — we have to do it by phone. It would be a lot more effective to have work with a child's family every week."

The Lewiston facility has no resident child

High population at Youth Services Center, 1967-1981



Stateman chart by Grady Myers

Source: Idaho Department of Health and Welfare

psychiatrist, so a Boise specialist flies in from Boise twice a month. During emergencies — there were eight among NICH's youth population last year alone — youngsters had to be flown to Boise and hospitalized.

A handful of small foster and residential homes are located in southwestern Idaho — home for the largest portion of the state's population — but the area's youths who need larger, more comprehensive evaluation or treatment must be sent to north, central or southern Idaho.

NICH, the second-largest private facility for youths in Idaho, is located in the Pacific Time Zone, making simple telephone communication with southern Idaho — where two-thirds of its youngsters come from — difficult.

"The hour time difference causes more problems than you can imagine," Hopper said. "You can only deal with southern Idaho about four hours a day."

The failure to establish regional treatment centers is primarily due to limited financial resources.

"We're a relatively large, sparsely populated state," said Youth Services Center Director Kurt Friedenauer. "That makes it rather difficult to warrant regional or centralized facilities."

"We have a few good programs in some communities, but they are just a piecemeal approach to juvenile justice," Friedenauer said.

Lack of resources is not the only problem. Philosophy and politics also share the blame, other child-care advocates assert.

"There's this philosophy that if the bad kids are kept away from a community, that will solve the problem. Out of sight, out of mind," said Hopper, noting that most of Idaho's largest youth-treatment facilities are in some of the state's smallest, rural communities. "There's also provincialism in this state in regards to religion, geography and politics."

"Different expectations of kids. In some communities, there's a tendency to ignore troubled children, in others, there's a demand for stiff punishment," Hopper said.

Often, juveniles who break the law or are removed from their homes because of poor parental care are bounced back and forth from one area of the state to another, depending on availability and

type of treatment.

"We have some kids who haven't worked out at NICH or the Youth Ranch. We've also got other kids who've been here before and have gotten into trouble again," Friedenauer said.

Before arriving at the North Idaho Children's Home, one youngster had been placed in 16 other homes or facilities.

"It's an awful thing to do to a child — they never build any trusting relationships and it limits effective treatment," Hopper said.

The small number of established residential homes and programs available to Idaho's troubled youths are beset by chronic overcrowding.

NICH seldom has a vacancy, and the Idaho Youth Ranch has operated at full capacity since 1979, with a typical waiting list of eight to 12 youngsters.

State-run facilities face the same problems as private treatment centers.

The sole state-run juvenile psychiatric program, the Juvenile Diagnostic Unit in Orofino, is beset by chronic overcrowding. In the past four years, it has taken up to 90 days for some youngsters just to get in for a one-month evaluation.

Last spring, the Idaho Youth Services Center, the sole state-run reform school for juveniles, had to grant early release to about 25 youths to avert overcrowding.

"Some of the kids were shortchanged because they didn't receive all the benefits of our programs," Friedenauer complained. "But we have no control over who we get here or when they arrive. A sheriff from Lewiston once came here with a kid at 2 in the morning."

Said John Shuler, Youth Rehabilitation Coordinator for the Idaho Department of Health and Welfare: "There's a crying need for more facilities around the state. We need some regional facilities, perhaps one for each judicial district."

While Shuler, Hopper and other child care administrators are critical of existing facilities for Idaho's troubled youths, they are relieved that an in-state program has finally been established to help severely emotionally disturbed youths.

Until June, there was no in-state facility to treat severely emotionally disturbed youngsters. Instead, at costs ranging from \$400,000 to \$600,000 a year, up to two dozen troubled Idaho youths were

treated at facilities in Texas, Colorado, and Arizona.

Now, many of these youngsters are receiving treatment at the Special Care Unit, a fledging program opened last June in Orofino by the North Idaho Children's Home.

Initially, the facility was to be built in Lewiston, adjoining NICH's existing complex on the 22-acre estate of former Potlatch magnate George Jewett. But the proposal met such strong resistance from area property owners that NICH's governing board decided to temporarily locate the Special Care Unit in Orofino until the outcome of a legal suit was decided.

NICH won the court battle, and now is attempting to raise nearly \$1 million to build a permanent Special Care Unit in Lewiston.

The services NICH, the Youth Ranch and Youth Services Center provide are costly and underscore the need for earlier treatment and rehabilitation, more foster homes and more facilities like themselves.

It costs more than \$23,300 a year to keep a child at NICH, about \$17,000 per year at the Youth Services Center and about \$13,200 a year at the Youth Ranch.

"In the long run, it's cheaper to deal with a kid early on rather than try to help him after he's gotten into serious trouble," Hopper said. "Communities pay the price sooner or later if they don't have any local programs or facilities through higher rates of mental disorder and criminality. By the time a kid winds up in our program, he's been overlooked for a long time. It makes our job that much more difficult than if he'd been identified earlier."

Unlike jails or detention centers, the North Idaho Children's Home, Idaho Youth Ranch and Youth Services Center focus on treatment and rehabilitation of troubled youths after they become enmeshed in the state's juvenile justice system, offering educational and vocational programs to help them adjust to society once they leave the artificial environment of the facility.

Youths at all three facilities are grouped in cottages or homes according to age and sex, and they work their way up a series of "levels." As they complete performance standards, they are allowed a growing number of privileges and freedom.

**CONTINUED**

**1 OF 3**



At the Youth Ranch, juveniles reside at a sprawling 2,500-acre farm and campus complex from nine to 14 months. Their ages range from 10 to 17, and they are admitted for a wide-ranging type of problems.

Last year, a 12-year-old youngster was brought to the ranch in a straitjacket.

"He was an extremely hyperactive kid with an I.Q. of 185," Yeaton said. "He was bored all the time, and had such poor self-esteem that he acted out. We worked at reinforcing his positive aspects and now he's back with his family and attending high school classes."

Several Youth Ranch residents have been abused by parents. One boy had been beaten and dressed up in girl's clothing, Yeaton said.

"He was extremely detached and had no sense of belonging, and he came here after damaging property in a next door neighbor's garage," Yeaton said.

The ranch's 20-member staff reinforces such youngsters' positive concepts about themselves and encourages them to work on educational and social skills.

"Basically, we're cheerleaders," Yeaton said. "We camouflage treatment under that philosophy."

All but 10 of the youngsters are enrolled in the Minidoka County public school system, which helps the rehabilitate the youths. One youngster scored the winning touchdown in a local high school game, others have become class officers, Yeaton said.

The North Idaho Children's Home features three modern homes, swimming pool, hobby shop and horseback riding in an upper-class neighborhood overlooking Lewiston.

Its administrators discount the facilities' posh surroundings.

"This isn't a country club. The kids are under a lot of pressure to get their act together, get out of here and get on with their lives. There's a lot of peer pressure to do well, too," said NICH director Hopper.

NICH's 48 youngsters range in age from nine to 17 years and, like the population at the Youth Ranch and the Youth Services Center, nearly two-thirds are from southern Idaho. Unlike the youngsters at the Youth Ranch, juveniles at NICH have

more emotional problems and for the most part are segregated from the surrounding community.

By the time a youngster winds up at the Youth Services Center, he has probably spent at least some time in a foster home, jail, treatment facility or a combination of all three, Friedenauer said.

Last year's Youth Services Center's population ranged in age from 11 to 18 years. Nearly one-third of the population committed burglaries and another 22 percent committed larceny. Last year, the group also included three rapists, 11 forgers, five arsonists and eight who committed armed robberies, according to Health and Welfare Department records.

Unfortunately, some youngsters here don't make it. In 1981, a half-dozen youngsters at the Youth Services Center had to be sent to the Idaho state prison because they were too difficult to handle.

Juveniles are sent to the center for indeterminate amounts of time, although the average stay is seven months.

The largest number of youths detained at the converted state industrial school are from Ada County. Others are released, only to wind up in more serious trouble.

Two of the youths charged the Ada County Jail torture-beating death of Christopher Peterman on May 31 had spent at least some time at the center. (Officials, following state juvenile confidentiality laws, declined to discuss either youth's record at the center.)

The Youth Services Center has an optimum capacity of 150 youths, but since 1967, its population has fluctuated from 99 to 243 youths. Completion next year of a \$1 million, 50-bed unit for serious juvenile offenders should help relieve some overcrowding by freeing a cottage for non-violent offenders, Friedenauer said.

Before youths arrive at one of the three facilities, they are often evaluated at the state-run Juvenile Diagnostic Unit in Orofino.

Here, youths spend 30 days undergoing evaluation by staffers, who forward recommendations to courts for final disposition.

More than 170 youngsters were evaluated last year, according to JDU Director Jim Newsome. Since the JDU opened in 1978, more than 600 youths have been evaluated from 42 of Idaho's 44

counties — 119 from Ada and Canyon counties alone.

The youths sent to the JDU committed an average of five felonies before they have arrived for evaluation. The youngsters are as young as eight, and most often come from broken homes or poor families. Almost all are underachievers, most are poorly educated and many have learning disabilities or problems with alcohol and drugs, Newsome said.

Many of the youngsters find the JDU's dormitory style environment to their liking.

"A lot of these kids are emaciated when they get here," Newsome said. "The average weight gain is 18 pounds."



## Counseling gives 'Joey' a chance

His father is a Vietnam War veteran who returned to the U.S with delayed stress syndrome.

His mother is a borderline schizophrenic.

Together, they tormented and physically abused Joey for years to the extent that he had to be removed from his natural home and placed at the North Idaho Children's Home.

"He had conflicts with both parents," said NICH Director Mark Hopper. "There would be love one day and hate the next. The father threatened the boy and his mother with a loaded gun, and at one point, Joey (not his real name) jumped through the window of their mobile home in sheer panic. He was gone for three days."



Joey was beaten sporadically by both parents, who eventually separated. Afterwards, his mother "did a lot of running around," according to Hopper, leaving Joey alone in a house where there was often nothing to eat and little to do.

Joey broke windows, vandalized a neighbor's garage and was caught shoplifting. He disregarded school teachers and got into fights with classmates.

One Fourth of July, he was seriously burned while playing with gasoline and firecrackers, but after his release from a hospital the following night, he shot out a neighbor's window with a pellet rifle. His mother was nowhere to be found.

Soon afterwards, Joey was removed from his parents' home under a court order.

From there, he was shuffled through three foster homes in less than six months. In September 1980, he finally was sent to NICH's 22-acre complex in Lewiston.

At the time, Hopper recalls, "He was more than anyone could handle. He absolutely did not trust anybody. He once leveled a classroom. He assaulted the staff — someone had taught him karate, and he knew how to hurt you. He was totally fearless."

To complicate matters, Joey's mother frequently showed up to see him, but at odd times and with erratic behavior, Hopper said.

"Joey never knew when she would show up. A lot of her visits were a pretty heavy thing for him to handle because they weren't good contacts," Hopper said. "She used a lot of guilt with him — like, 'You don't love me because you are staying here.'"

But slowly, staffers began getting through to Joey. They taught him to read, to trust them and to feel emotion.

"He wouldn't cry. Normally, with a 10-year-old, there are a lot of tears," Hopper said. "But he's a bright kid. He got turned on to reading, and he knows how to verbalize his feelings."

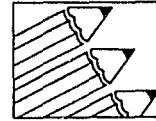
After nearly three years at NICH — about three times the normal stay of youngsters — Joey left the program in June to live with an aunt and uncle.

Joey had stabilized and knew staffers could deal with him. At that point, to keep him any longer at the facility would have done him more harm than good, Hopper said.

Three months later, the arrangement still appears to be working out, although Hopper said it is too early to tell if Joey can succeed.

"He had two outbursts in a month, which for him, is really pretty good. But it's 50-50 whether he'll make it. He'll have a difficult adolescence at best," Hopper said.

"I'll never forget him," Hopper said. "He's one of the hardest kids I've ever had to deal with."



# Juvenile justice

## Programs offer alternatives to punishment

**Idaho Juvenile Arrests, By Age, 1981**

10 or under	694
11-12	1,028
13-14	2,734
15	2,283
16	3,030
17	3,010

Source: Idaho Department of Law Enforcement

Dennis pushed back the hair from his forehead with a snap of the neck. A cigarette dangled from the side of his mouth.

At first glance Dennis is the stereotypical young street punk — obstinate, tough, having little respect for society's rules and an ambivalent future that can only be described as bleak.

To say that Dennis comes from a broken home is an understatement. His father murdered his mother 16 months ago. He subsequently was placed in a youth shelter home, ran away, then ran away from a similar home in West Virginia. By his 17th birthday, the Baltimore youth already had a long history of delinquency. He had been cited for assault, destruction of property, drug possession and truancy.

His penchant for crime and running away eventually prompted authorities to ship him to the maximum security section of the Maryland Youth Training Center, where he was assaulted by guards and fellow inmates.

He escaped from that facility and was temporarily placed in a Maryland state prison. Ironically, Dennis met his father there — doing time for the murder of his mother.

With little hope and no way out, Dennis tried to hang himself in a jail cell last year.

That could have been the end of the story, but it wasn't.

A few weeks later, a juvenile court judge placed Dennis in the Martin Pollak Project shelter home, an innovative, privately funded facility for troubled youths.

In the few months since he's been at the suburban Baltimore center, Dennis has gained self-respect and a better outlook on life.

"I care about myself now,"

Dennis told a group of reporters at a recent juvenile justice conference in Washington, D.C. "I want to make something out of myself."

He should complete high school within a year, then plans to enroll in truck-driving school.

Dennis is by no means the worst of the 20 or so juveniles at the Pollak shelter home — one girl has been arrested 19 times for prostitution and recently tried to set fire to the home, while another 17-year-old youth murdered his foster mother when he was 11.

But no matter how horrible their past or how badly they behave in the future, no one connected with the Martin Pollak Project is giving up on them.

That is the main goal of the Pollak Project — to take delinquent youths that other agencies and institutions have forsaken and help them become responsible citizens, according to Kay Lanasa, Pollak Project executive director.

"Our philosophy is simple. Every child is born with certain rights. At the very least, each child has the right to be loved, clothed and sheltered in a natural environment, to grow up truly human and fully alive; all children need a family and community to call their own," said Lanasa, a psychologist who specializes in adolescents.

There is constant support and interaction between the youths in the Pollak project and staff counselors and psychologists. Staff members encourage the juveniles to take care of themselves, gain educational and vocational skills and live within society's accepted mores and laws.

The fledgling program has been in existence since August 1980, and Lanasa said the early results have been favorable.

Dennis is succeeding. The young prostitute is working — as a Baltimore nightclub stripper, but she isn't selling herself. And the teen-age murderer will receive his high school diploma later this year, Lanasa said.

Innovative programs are being tried elsewhere across the country to treat hard-core juvenile delinquents, many operating on shoestring budgets with private donations, others backed with federal and state funds.

In Philadelphia, where 305 deaths related to street-gang activities occurred between 1964 and 1974, the House of UMOJA, an amalgam of shelter homes for court-referred offenders and abandoned children, was launched by Falak Fattah, a former reporter and widowed mother of six children.

UMOJA has helped eradicate much of the friction between street youths. By 1977, only one street-gang-related death was reported in the city.

The House of UMOJA project has housed 500 youths since 1968, helping provide them with jobs, social skills and other training, some through small entrepreneurial projects that lead to employment and self-sufficiency.

Fattah is planning an ambitious, inner-city "Boys Town" in conjunction with seven small businesses that will train and employ some 125 youths.

Pennsylvania Superior Court Judge Frank Montemuro said UMOJA's recidivism rate is one of the lowest in the country.

In Georgia, a volunteer program initiated five years ago has brought senior citizens and juvenile delinquents together in the Foster Grandparents Program. Volunteer grandparents (who must be at least 60 years old) meet with two delinquents five days a week. The grandparents offer counseling, help with homework and provide moral support.

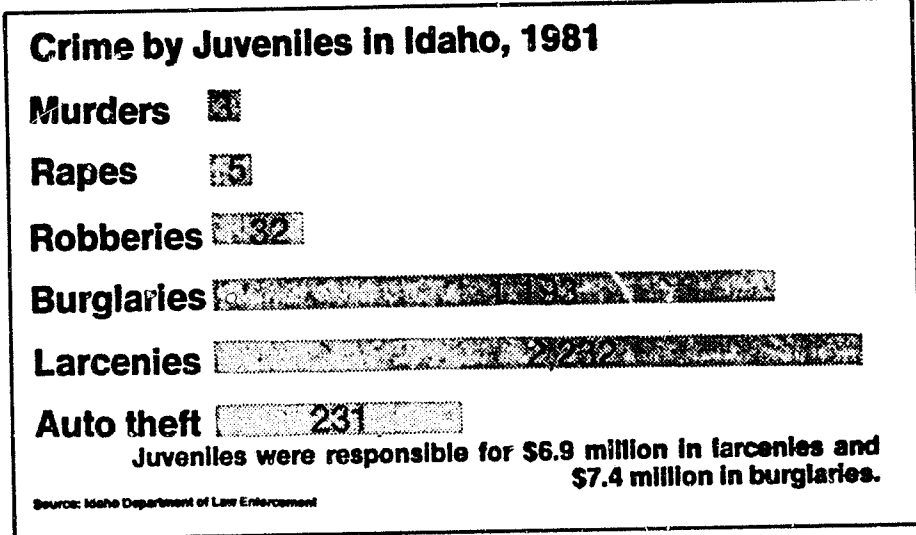
"We view this as a joint venture against several social ills, the plight of the discarded juvenile as well as the plight of a lot of older Americans who perceive that society thinks they have no more meaningful role to serve," said Charles Lauer, administrator of the federal Office of Juvenile Justice and Delinquency Prevention, which is supporting the program with a \$81,500 grant this year.

In the long run, Georgia and federal officials expect the program to save hundreds of thousands of dollars that would have been earmarked for juvenile incarceration.

"Each grandparent may see as many as four youths in the course of the year," said project director David Dammann. "If the four juveniles are being kept out of institutionalized settings, you are saving \$60,000 a year."

The intent of the Martin Pollak Project and Foster Grandparents Program is to keep troubled, repeat offenders from the more conventional penal institutions. The House of UMOJA's intent is to sidetrack youths from delinquency.

All three programs have been lauded by juvenile advocates and prison reformers who believe most juveniles should not be placed in traditional jail and



prison settings. The programs also have the tacit approval of U.S. Justice Department officials who would like to see similar projects flourish in the future. According to the government's own estimates, it spent about \$76 million last year on juvenile justice programs.

However, while innovative programs — including some for worst-case delinquents — are being tried with success elsewhere around the country, Idaho's share of federal money has traditionally gone to programs primarily designed for first-time juvenile offenders.

Of some \$225,000 in federal funds awarded to Idaho by the federal government last year, here's where the bulk of the money went:

- North Idaho Children's Home — remedial education program for dropouts, \$20,000.
- Kootenai County Youth Accountability Board — diversion

- project, \$46,700.
- Fourth District Court — status offender intake and diversion project, \$8,819.
- Blackfoot School District — alternative classroom, \$34,750.
- Twin Falls School District — \$34,000.
- Caribou County — youth diversion project, \$15,900.
- Fifth District Court — diversion project, \$15,890; juvenile records project, \$6,685.
- Idaho Prosecuting Attorneys' Association — regional training for juvenile justice personnel, \$14,850.
- Ada County — sexual-abuse task force, \$5,000.
- Other programs, including Office of Juvenile Justice funding for state youth inventory, \$39,886.

And while other states are making more concerted efforts to help its serious offenders through innovative programs, Idaho appears to be going in the other direction.

Since 1981, the Idaho Legislature has:

- Lowered from 15 to 14 the age at which a youth can be prosecuted for serious crimes.

- Authorized funding for a maximum security unit at the Youth Services Center in St. Anthony.

- Revamped laws under which juveniles are prosecuted for alcohol and tobacco consumption. Previously, these youths were dealt with in juvenile courts; now they are prosecuted as adults in magistrate courts.

"The typical legislative reaction to juvenile delinquency is punishment — it's also the easiest and cheapest route to take," said Latah County Prosecutor Bill Hamlett, one of several members of the Idaho Youth Commission which is proposing legislative changes in state laws governing youths.

One proposal — in line with the federal government's mandate that by 1985 no juveniles be jailed for status offenses — would end the jailing of status offenders in adult jails and lockups. A status offense is a violation, such as being a runaway, for which an adult would not be charged.

Hamlett and others don't expect the proposal to gain acceptance by the Legislature, primarily because there are no alternatives to jailing status offenders except in Ada County, home of the state's sole juvenile detention center. But they hope other proposals would streamline current inconsistencies in state laws and update the state's long-standing Youth Rehabilitation Act.

Many Idaho youth advocates would like to see more money

spent on juvenile-treatment programs and alternative jail programs, but they see that as only part of the solution.

"Anything we come up with legislatively or through the Idaho Department of Health and Welfare will be less than perfect unless there is a serious rethinking of our philosophy of how we handle juveniles," said Mark Hopper, director of the North Idaho Children's Home. "We have to come to grips between rehabilitation and punishment, and we have to be willing to put up more than just money.

"With the chronic fight for funding, we'd be better off if communities took on the responsibilities for kids who get into trouble and not place the responsibility on the state."

According to a recent report by the National Institute for Juvenile Justice and Delinquency Prevention, a key factor in preventing juvenile delinquency is to "get families, schools, peer groups, local officials and social organizations involved in providing healthier social development opportunities for young people."

Hopper, who worked with juveniles as an Idaho Department of Health and Welfare worker for 10 years before joining the North Idaho Children's Home, believes that private businesses and volunteer agencies could take up much of the slack for youth services caused by inadequate state and local funding.

"In a state where millions of private dollars can be raised to help pay for things like Boise

State University's new pavilion, you'd think we could do something more for kids," he said.

"If we want to prevent another jail death like Christopher Peterman's, we have to be willing to put up the money for new programs and new facilities. The bottom line is that communities are going to pay the price sooner or later — if there aren't new programs now, there will be a higher incident of mental disorder and criminality later."

Corporations could be encouraged through tax incentives to create more jobs for youths and more youth programs, he said. Parents and schools could also become more instrumental in preventing juvenile delinquency, Hopper said.

"I don't think many Idaho communities would accept the care of children," Hopper said. "There's a lot of denial in many communities — the 'we don't have any trouble here' attitude," Hopper said. "But we can't put our blinders on and not see what's going on.

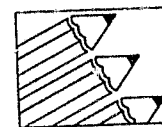
"Overall, there's a great deal of concern about kids in this state, but it's not active — people are reluctant to do anything about it. There's not enough public involvement," Hopper said.

*The Tennessean*

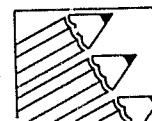
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**Juvenile Incarceration and  
Alternatives in Tennessee**

*A Four-Part Series*



*By Woody Register*



## 7 Times in State's Juvenile System

# Clarence — All Too Typical Failure

There is a crossroads near Humboldt, Tenn., dotted with taverns and a pool hall, where Clarence spends his idle days, with his friends, waiting.

"I ain't got nothing but time," says Clarence, a strapping young man, as he emerges from one of the taverns, red-eyed and blinking.

Clarence is 17. His IQ is 55. And seven times since he was 11 years old, Clarence has been sent away to confinement as a juvenile offender.

Seven times he has appeared before a judge on charges ranging from disobedience to burglary. The last time he was charged with breaking into a warehouse and stealing several watches.

Seven times he has been sent away from home to a juvenile facility, the last time to Spencer Youth Center.

SEVEN TIMES he has been placed in a "treatment" program, the last time learning, through daily experience, how to masterfully mow grass.

And seven times he has been released, "rehabilitated," to return to Humboldt, to the crossroads taverns, to wait as he is waiting now.

Clarence, in an optimistic mood, says he wants to move to

Chicago, perhaps in another two or three months.

THE JUVENILE authorities who know him best think differently.

"I think he'll probably screw up again and get sent back to correction," says Randy L. Favors, an assistant public defender assigned to Davidson County's Juvenile Court.

"To continuously put him back in a correctional environment where the goal is pretty much punishment, it's just not going to change him. It's not that he's going to do anything horrible [while he's at home], but if he does anything at all he's going to get sent back. It's easier for the judge to send him back to corrections and get him out of his hair than to look for the proper disposition and treatment."

AND SO Clarence waits, a conspicuous failure of a juvenile justice system that handles more than 40,000 youths each year in Tennessee. Most of these children are status offenders — truants, runaways or out of control youths — or neglected and dependent children.

Only about one third of that number involves delinquent children like Clarence. Unlike Clar-

### About the Author

WILLIAM (WOODY) REGISTER, JR. started with *The Tennessean* as a general assignment reporter in 1980 and in 1981 expanded his beat to cover the metropolitan police department, and state juvenile and adult correctional issues.

Register is a cum laude graduate (B.A. degree) from the University of the South in Tennessee. In 1981 he received the Associated Press Tennessee Managing Editors Award for a feature article.

Register's research into the situation in Tennessee led him to conclude that there is no one juvenile justice system in the state, but rather 95 separate systems—one in each county.



ence, most of them get in trouble once, receive a lecture from the judge or court officer and never show up in court again. In Davidson County, more than half of the 1981 juvenile cases were disposed of without a formal hearing.

Yet Clarence is not that unlike many of the delinquent children who are committed to the state Department of Correction's care: the most serious crime he has committed is burglary; he is fatherless and virtually illiterate.

**BUT HIS** greatest problem is that it was easier to lock him up than to find a proper treatment program for him. It is a problem shared with the majority of the youths incarcerated by the state.

Loosely structured, disjointed, unorganized and poorly funded, the Tennessee juvenile justice system is a motley collection of 95 different courts and judges. Outside of state juvenile law, its sole common denominator historically has been, and still is, a circuit of correctional institutions scattered around the state.

Some courts have multi-million dollar budgets, some have virtually no budget at all. Some Juvenile Court judges are attorneys, some are not. In some counties children have to commit six or seven crimes before they are removed from their homes; in others, one mistake and the child is incarcerated.

**"THE SYSTEM** is so chaotic," said Rep. Mike Murphy, D-Nashville, vice-chairman of the state House Judiciary Committee.

"More people are understanding that we have a crisis looming. What we are doing isn't working, and the kind of local support needed for change is beginning to develop."

Unstructured, with little guidance from state government on how to operate, the courts vary from county to county, not only on the type of court and quality of rehabilitative services offered, but also on the quality of justice itself, according to Sam Haskins, former assistant youth services commissioner for the state Department of Correction.

**THE EXISTENCE** of the Juvenile Court does not guarantee justice; justice is only as good as the personality of the judge, Haskins said.

"There is no juvenile justice system; it is a non-system," Haskins said.

Few observers of the "system" are happy with the status quo, yet there is little impetus for change. Although there have been some legislative efforts to add funds to the courts, juvenile justice is not at the top of any lawmaker's shopping list.

**"THE LEGISLATURE'S** attitude is these are bad kids, they must be punished," said Paul E. Humphries, assistant commissioner for Youth Services in the Correction Department.

Punishment, however, is not the goal of the juvenile justice system. Since the first Juvenile Court was established in Chicago in the late 19th century, the philosophy behind dealing with juve-

nile crime has been to focus on the child, not the crime.

Traditionally judges, unlike in criminal court, act as *parens patriae*, or the surrogate parent of the child, examining the child's personal, social and criminal history to develop a treatment program that embodies the child's individual needs. Juvenile court judges are not restricted by narrowly defined criminal sentencing codes as are criminal court judges, which gives them broad discretionary powers in determining what to do with children who commit crimes.

**IN TENNESSEE,** Juvenile Court judges are mandated not to punish, but to rehabilitate delinquents.

Yet of those not satisfied with the system, most are not interested in changing the structure of the system; they simply want the courts to be tougher, in other words, to punish.

"I think we are going to see a trend, a subtle shift away from the treatment image of *parens patriae* to a judicial image," said Betty Adams, secretary of the state Council of Juvenile Court Judges.

**THE PROBLEM** in Tennessee, according to Adams, is with the public's perception of what the court's duty should be and what it actually is; in other words, will the court punish or treat?

"People want to talk treatment and philosophy, but when it comes down to it, they want protection from the court. Juvenile Court judges have been caught

up in the middle of this. They see the need for treatment, but they also see the desire of the public for protection," Adams added.

There are numerous factors that foreshadow change for the Tennessee "system":

- Juvenile crime has declined steadily in Tennessee and nationwide since the mid-70's, yet the public perceives a need to "get tough" and to bestow harsher penalties on children who commit crimes. In Davidson County in 1977, there were 5,504 cases brought before the court, 1,439 of which involved felonies. Last year there were 1,352 felonies out of 4,213 referrals, according to court records.

- When the juvenile justice system is discussed, it is usually the judges who bear the brunt of the criticism. Juvenile Court judges do not have to be licensed attorneys, although they must be to commit a child to the state Correction Department. (Judge Kenneth Turner of the Shelby County Juvenile Court — the largest juvenile court in the country with nearly a \$5 million budget — is not a licensed attorney and transfers cases in which a child might be committed to a court referee.)

- There are no established rules of procedure for Juvenile Court, although due process rights are guaranteed. Juvenile court is conducted differently in each of the state's 95 counties. Records do not have to be kept of the proceedings and the dispositions do not have to be recorded. In some courts, sessions are

recorded occasionally, in others recordings are never made. What occurs in most Tennessee Juvenile Courts is a mystery known only by the judge and the accused.

A committee of the Tennessee Bar Association is currently working to devise a set of procedural rules for the state's juvenile courts, but that is subject to the approval of the state Supreme Court and legislature.

- Community support of treatment resources for juveniles is dwindling, placing an increasing burden on the state departments of Human Services, Mental Health and Mental Retardation, and Correction, to provide those services. The average number of referrals to Human Services from Davidson County Juvenile Court has doubled in the last year from 10 to 20 children a month, according to Pat Overton, field supervisor for Davidson County.

- Getting tough is expensive. The cost of institutionalizing has risen tremendously in the last 10 years. The average cost per day is \$46.25 per student, almost twice that of incarcerating an adult criminal. Youth services has always been the last in line for funding, and with the Correction Department facing an expensive compliance with a recent federal court ruling, there will be no money to spare, Correction officials said. Several of the institutions cannot fill a staff psychologist position — which is essential to the individualized treatment programming youths allegedly receive — because the

salaries cannot compete with private psychology positions.

- Violence continues to plague Correction's Youth Services division as scandal after scandal is revealed in the juvenile institutions. Most of the public attention has been on Taft Youth Center in Pikeville, but child abuse has been documented at Wilder Youth Development Center in Somerville and Spencer in Nashville.

- Finally, according to federal guidelines, juveniles must never come in contact with an adult jail by December 1985 or the state will lose millions of federal dollars. The latest figures compiled by the state showed that almost 10,000 children were detained for some period of time — from a few minutes to weeks or months — in adult jails in Tennessee.

Clarence's experience in many ways typifies the confusion and chaos that governs the state's juvenile justice system. With the best of intentions, Judge Edwin Pigue of Gibson County placed him in the "system" at age 11.

"Clarence seems like he does not have a full stack, so to speak," Pigue recalled recently.

WITH AN IQ of 55, Clarence is five points above the moderately-retarded category. He is, according to state mental health officials, mildly retarded.

His low IQ is not his only problem. He is "behaviorally disordered," and has grown up without any proper male role models, according to Bobby Fesmire, formerly Clarence's counselor at Spencer.

"He has a whole host of problems," Fesmire said.

**BY LAST MAY** Clarence had finished the seventh behavior modification program designed for him since 1976. In the eyes of the treatment staff at Spencer Youth Center in Nashville he was ready to go home but the court would not take him back.

So between May and September Clarence completed his eighth program. Like the previous seven, it was easy, he said: this time it was school for 15 minutes in the morning, then the rest of the day was spent teamed up with the school's maintenance worker for his vocational training.

Heavily sedated by a strong drug, Clarence mowed grass all day every day — plus other odd "dirty jobs" assigned to him — until he was released around the first of September.

**THE BOY SAID** he learned one thing in all his time at Spencer: "How to mow grass."

"I hated the place. I wanted to go home," he recalled.

LaFevor met Clarence during a trip to the training school with the Friends of Spencer, a child advocacy group that provides free legal advice and counseling to the boys.

**"MOST OF THE** kids, when you talk to them, the first thing

they tell you is that they don't want to be here, or they want another hearing. The first time I talked to Clarence, he said, 'I don't belong here. I need a mental health placement,' " LaFevor said.

Mental Health authorities told LaFevor that Clarence was "too dangerous" to put into a community mental health center. The boy stayed briefly at Morning Star Group Home in Nashville but had to be returned to the institution because of his disruptive and violent behavior, LaFevor said he was told by group home administrators.

Clarence's long list of crimes includes burglary, shoplifting, disobedience to school authorities, petit larceny and threatening another student at school. The last commitment was for burglary and grand larceny.

**"I BROKE INTO** a warehouse and stole some watches," Clarence explained with no expression on his face. "I just get it in my mind to steal, and I go do it."

In rural Gibson County, the Department of Correction was the only resource to which the court had access, Pigue explained.

"He [Clarence] broke in so many places, I was afraid he was going to get killed," the judge said. "I did it for his own protection. I had people tell me that 'If I catch him, I'm going to kill him.' Society makes you do things for kids, just to save him.

**"A MAN WITH** a 55 IQ is like an incompetent. There is not

much you can do with an incompetent. You just don't let him lay there and burn."

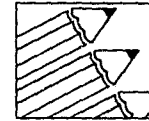
In two or three months, Clarence said, he will go to Chicago. He used to live there. Until then, he will hang around with the rest of the boys and old men in the shadowy lounges and pool halls at the Crossroads, waiting for something to happen in Humboldt.

But no more stealing, he said. The judge told him the next time it would be the state penitentiary, not a juvenile institution.

**THE MISTAKE** that is made by judges and the public, according to Fesmire, is to expect that an isolated 18-week treatment program in a juvenile institution is going to cure Clarence or any other juvenile.

Ironically, rather than preparing him to live outside the system, the system has done just the opposite: it has made Clarence dependent on it. Inside the institution, he is told what to do: when to get up, when to eat, when to shower, when to go to bed. His whole life is structured for him. At Spencer, the only decision he ever had to make for himself was not to get in trouble.

"A kid like that needs a highly structured environment," Fesmire said. "They don't function better out on their own. That's why he doesn't make it when he gets out. His mother, she's not going to be able to handle him. A big strapping boy like that comes and goes where he pleases. So where's the logical place for him? Up at correction."



## System Lets Judges 'Do It Their Way'

Tennessee's juvenile court judges historically have run their courts in whatever manner they please and not always with the legal rights or needs of the juvenile offender in mind.

With little money and no uniform set of procedural rules or organizational guidelines from the state legislature, juvenile court is often the domain of the reigning juvenile court judge.

**BECAUSE OF** this, court hearings, treatment services and the harshness or leniency of court decisions are often as varied across the state as the individual counties.

"There are 103 courts and 103 individuals making decisions without any guidelines," said Madison County Juvenile and Probate Judge Walter Baker Harris.

"It wouldn't surprise me that there is a grab bag of procedures being followed," added Carol Catalano, the Montgomery County General Sessions and Juvenile Court judge.

**CRITICS OF** the way juvenile offenders are treated in Tennessee most often point their finger at the court as being the central problem keeping Tennessee juvenile justice in the "dark ages."

Judges are hearing, on the one hand, that they should be loving and caring grandfather figures for their young charges, while at the same time a punishment-minded public demands that they be sternly punitive disciplinarians.

Their attitudes often reflect this contrast.

**"THE TIME TO** start rehabilitating is at an early age and you don't rehabilitate without taking some drastic measures," said former Giles County Judge Robert E. Lee, voicing one viewpoint.

"You don't slap him on the wrist. You got to get his attention."

Former Gibson County Judge Edwin Pigue looks at the problem another way, saying:

**"YOU KNOW,** this thing called

## Juvenile Courts Have Few Rules

love is powerful."

At the same time, juvenile court judges are expected to be ardent defenders of the legal rights of children. Yet judges in at least 29 juvenile courts in Tennessee are not licensed attorneys.

"We have a hodgepodge of juvenile court judges, some of whom are excellent and some of whom are disasters," said Rep. Mike Murphy, D-Nashville, who unsuccessfully led a legislative effort last spring to organize the state juvenile courts into one state-funded family court system.

"AMONG SOME there is a reluctance or refusal to develop community programs," he said.

The courts are part of a chaotic collection of overlapping, inadequately funded social service organizations and state correctional institutions known as the juvenile justice system in Tennessee. Conservative, punitively oriented and bureaucratic, the system — in most critics' minds — is not a system at all but a disorganized, expensive, half-hearted attempt at keeping juvenile criminals from becoming adult criminals.

The range of funding and services provided from county to county varies tremendously.

**SHELBY COUNTY** Juvenile Court Judge Kenneth A. Turner, for instance, runs the wealthiest, largest and most powerful juvenile court in the state.

While some juvenile court judges, especially in rural areas, are unable to hire a single youth

services officer, Turner runs the most extensive array of rehabilitative services for juveniles in the state.

Finishing touches are now being placed on a luxurious \$8 million expansion of the court building in Memphis, doubling the court's space.

**THE BUILDING** includes a new detention facility — a facility which one national juvenile justice expert said far exceeds the needs of the court — while some rural counties in the state are having to house juvenile offenders in drunk tanks to keep them separated from adult prisoners.

Turner, who delegates most of the courtroom duties to a team of deputies because he is not a licensed attorney, surveys his domain from his new, plushly appointed office through a closed circuit television system. From his office he can hear and see, via television, most of the functions of the court, including any court hearing.

"An activist juvenile court judge that keeps the community informed generally will get what he needs," Turner said, explaining his unique ability to attain funding. "Some people look for excuses for anything they cannot do."

**DESPITE HIS** prescription for fund raising, Turner's court is unique in Tennessee in its ability to get what it needs.

The purpose of juvenile courts ostensibly is to provide the least restrictive method of treatment and rehabilitation to juvenile of-



fenders.

(Juvenile courts also handle child support enforcement, legitimacy cases, and neglected and dependent or child abuse cases.)

**IT IS PRESUMED** that the juvenile court judge can peer into a child's personal and social history — the income and marital status of the parents, his school and past criminal record — and determine the best course of action to deter a future criminal career.

This duty to rehabilitate falls solely on the shoulders of the judge who controls the entire court apparatus, from the probation department to the detention



—Staff photo by Ricky Rogers

facility or lock-up.

Given this seemingly baronial power over the court, judges have, in some instances, created monolithic bureaucracies wielding influential political power.

**TENNESSEE** juvenile court judges, defying a national trend toward a more formalized adjudication of juvenile cases, continue to operate the courts largely as they please.

This omnipotent and omniscient role of the Tennessee juvenile court judge, however, may be disappearing. Efforts are under way to reform the juvenile courts.

"I think the informed, kindly

uncle or stern uncle approach was more effective in days gone by when society was stronger and the moral values of the community were more widely shared," Murphy said.

**"BUT IN** industrialized, modern Tennessee, it doesn't make as much sense as it used to. You need a more formal approach. There needs to be flexibility, but in a more formalized way. There's tradeoff there."

"Within 10 years," agrees Betty Adams, secretary of the state Council of Juvenile Court Judges, "there will be very little distinction between the juvenile court and the adult court. As it becomes more complicated legally, it's going to become more of a legal system. I can't say if that's good or bad."

Federal and state court decisions have tightened the grip of legal guarantees on juvenile courts since the mid-60s, enforcing strict adherence to due process rights for accused juvenile offenders.

**COUNTY JUDGES** are no longer able to sit as juvenile court judges in Tennessee. Only judges who are licensed attorneys may commit a child to the state Department of Correction.

Additionally, state legislation transferred juvenile jurisdiction to general sessions courts Sept. 1, except for counties that established special juvenile courts.

However, the absence of procedural court rules continues to be "the major stumbling block to the orderly, fair processing of ju-

venile cases through due process," said Catalano, who heads a Tennessee Bar Association committee developing standardized juvenile court rules of procedure for submission to the Tennessee Supreme Court.

**CATALANO WANTS** to tighten procedural regulations on the juvenile courts, but she does not want to interfere with the wide discretionary powers the judges have in deciding what is best for the juvenile and the public.

"In criminal law, the purpose is punishment, pure and simple. Equal punishment for equal crime," Catalano said, while the purpose of the juvenile court is to treat and rehabilitate.

Due process can be guaranteed in the adjudication phase through procedural rules, but in the disposition phase, it is necessary "that the court have maximum discretion," she said.

**IN REALITY**, however, "maximum discretion" has been abused. More goes into the judge's decision than the child's record or treatment needs.

Popularly elected judges are inescapably aware of a punishment-minded public. In some cases, "politics" plays a role in the judge's decision about what to do with a juvenile offender, according to Adams.

Despite some abuses, she said, "the discretion is necessary" if the best interests of the child are to be met.

**JUDGE TURNER**, voicing the conflict felt by many judges be-

tween what the court and the public perceive as right for the juvenile offender, said:

"I know what the public wants to hear and what the facts are. The public is very intolerant of juvenile crime. So we have to differentiate between both the serious offenders and the minor offenders. The paramount consideration is the right of the public to be protected from the juvenile law violator. If we can protect the public and deal at the same time in a helpful remedial way with the offender, then that's fine."

Murphy said the state ultimately will have to organize the juvenile courts into a system of state-funded courts in order to ensure that treatment programs other than commitment to the Correction Department exist in all counties in the state.

"**THERE IS** no statewide system, as a result the state hasn't been willing to put money into it," he said.

The state legislature appropriated \$4,000 for each county to hire a youth services officer, but many counties, unable to provide the remaining money to pay a full salary, have not applied for the money.

Andrew Shookhoff, an attorney specializing in juvenile law in the Vanderbilt Legal Clinic, said court reform is a "panacea" that does not answer the central problems in juvenile justice in Tennessee.

**PROCEDURAL** reform is needed, he said, but no amount of

state organization will make courts provide rehabilitative services for juveniles.

"We have to build in incentives for communities to take responsibility for their own," Shookhoff said. "That's where the solutions are in terms of the far-ranging problems."

"If the community could be reasonably assured that its interests would be protected in having some kind of structured restrictions on kids, then the community would rather choose a program that is more responsive to the individual needs of the community, that cuts down on recidivism rather than one that is not responsive to what is needed by that community."

**IN JACKSON**, Judge Harris boasts that his court has saved state taxpayers \$1.5 million by keeping juveniles, who would normally be committed to the state Department of Correction, in community programs. The state gives him \$15 a day for keeping the child in the community, while it costs him \$28 a day per child for the court to run its group home.

"Fifteen dollars is nice, but if the state saves money and society benefits [by keeping the juvenile in the community], the state needs to pass incentives to local institutions," Harris said. "It doesn't cost the local jurisdiction to send a child to [a correctional] institution and it costs the taxpayers [thousands of dollars]."

Paul Humphries, assistant commissioner for youth services

in the Department of Correction, said rehabilitative services generally can be performed better if the juvenile is not removed from his home environment.



# Juvenile Correction Approach Questioned

The placard taped to an office wall at Spencer Youth Center imparts a blunt message to the 284 boys who live in the institution.  
*Either lead, follow, or get the hell out of the way.*

**FOR MOST BOYS** at Spencer it is an easy message to accept. They interpret it as "Listen to the man," "Play the game," "Just do your time," "Don't mess with nobody." Few boys do differently at Spencer.

Juvenile institutions are highly structured worlds of blank-faced youths positioned in front of droning televisions or lying inertly on their beds. The boys line up to go almost everywhere — to school, the gymnasium, the dining hall, back to the dormitory.

In Spencer or Taft Youth Center in Pikeville, boys never have to make a decision for themselves. They are told what to do, and if they are smart, they do it.

**"THE TRAINING** schools have done some of the kids some good — a real good job, that is, at teaching them how to get out of institutions," said Mike Engle, a Nashville attorney and the former chairman of the board of Friends of Spencer, a youth advocacy group that regularly visits boys at the Nashville school, giving them legal advice and counseling.

"The boys learn what you have to do to get out of Spencer, to get you your weeks."

During a time when most states are abandoning institutions, especially large institutions, as treatment resources for juvenile delinquents, Tennessee will invest more than \$16 million this year running four training schools for boys and one for girls at a cost of \$37 to \$60 per child per day. Spencer has 284 boys assigned to it; Taft Youth Center in Pikeville has 173 boys.

**"WE ARE** placing kids in Cor-

rection institutions and paying bucks for them that could be placed in other programs at a cheaper cost," said Paul Humphries, assistant commissioner for youth services in the Correction Department.

"I don't believe we need 800 bed spaces in our institutions. I believe we could get by with half that many," Humphries said.

Rarely does anyone connected with the Tennessee juvenile justice system praise the State Department of Correction's juvenile institutions.

**"CORRECTION** does a . . . poor job," said Shelby County Juvenile Judge Kenneth A. Turner.

"We do everything we can to keep the kids out of the Department of Correction's hands . . . When we send a child to Correction, they're a write-off. I've had people say that the worst kids they get are from Shelby County. I consider that the supreme compliment."

Humphries said "emotionalism and misinformed opinions" on the part of a punishment-oriented public and state legislature have saddled state taxpayers with a juvenile correctional system that wastes tax dollars and is less effective as a treatment resource than other less costly methods.

**"IN TERMS OF** changing the behavior of who might go to a criminal career, I don't think they're effective," said Rep. Steven Cobb, D-Nashville, said of juvenile institutions.

"People in this country think that prisons and institutions are the only way to deal with crimi-





—Staff photo by Ricky Rogers

*'If Only...'  
May Weigh Heavily*

nals. It's not written in the Bible that you have to lock up people and it's certainly not written that you should do it to children."

The training schools are the muscle in a chaotic state juvenile justice system that, although assuming the posture of having the child's best interests in mind, flounders from ridiculously low funding, poor organization, inequity of services and a conflicting, confused perception of what its purpose is.

WHILE THE department is trying to specialize its treatment to the individual needs of each juvenile, it faces a year round steady stream of boys which forces it to hurry the youths in and hurry them out.

"When you got a kid for 18 weeks, there's not a lot you can do in that time," said Bobby E. Fesmire, formerly a counselor at Spencer.

"In five or six months there is only time for population control," said former Spencer director Howard Cook. "For some kids it takes 12 months. In 12 months you would triple the [institutional] population. What would that do to the treatment program?"

DESPITE policy changes by the department which is enjoined by law to rehabilitate delinquent children, there remains an inveterate commitment in the institutional staff to control and discipline first, treatment and rehabilitation second. From interviews with former inmates, counselors and juvenile justice experts, it is apparent that the interests of the individual are usually sacrificed.

"You simply can not treat or rehabilitate a large, hard to manage institutional population," Cook said.

Cook was director of Spencer for 12 years. Yet the Department of Correction has little control over whom it receives. It can not refuse a child once he is committed by a judge, he said.

IN COOK'S opinion, treatment generally can not take place when the institutional population exceeds 150 children. The total population should be kept as far below that as possible, he said.

"A youth program does not need to be so large that kids can hide. They can hide at Spencer because there are just too many boys to handle," he said.

According to some observers, treatment programming is wasted in a blatantly punitive correctional system whose overriding concern is not the welfare of the youths, but the security of the facility.

YOUTH services is mandated by law to treat and rehabilitate — not punish — children adjudicated delinquent by the disparate forms of juvenile courts across the state.

Yet the primary method of treatment employed by that arm of correction, as it was 71 years ago, is the training school, in itself a strong form of punishment. Spencer was constructed in 1911, Highland Rim School for Girls in Tennessee in 1917 and Taft in 1918.

"The historical influence has been to remain loyal to institutions when most of the states are moving in the opposite direction," explained Sam Haskins, who was assistant Youth Services commissioner until 16

months ago.

"IT COMES out of the old Commission on Children and Youth," Youth Services' predecessor.

Humphries said the state could easily close half its 800 plus institutional beds, utilizing less expensive community resources to handle many of the youths who are incarcerated but do not need to be. However, there will be no beds closed, he said.

"We hear very clearly from the legislature that they don't want us to close the institutions. We believe the money is better spent in the community," Humphries said.

CONSEQUENTLY, "on a per capita basis . . . we incarcerate more children than any of the states around us," Humphries said.

The latest figures released by the Department of Correction [August] show that in Tennessee, approximately 90% of the approximately 900 children in the state's custody are in institutions.

In Georgia, 57% of its commitments are institutionalized. In Alabama, of the 381 children in its custody last month, 86% were in institutions. In Alabama, the largest institution houses 130 children.

IN SPITE OF the relatively high number of incarcerated delinquents, Tennessee's institutional population has fallen since 1974. That year, the institutional population on June 30 was 1,117 youths. This last June 30 the institutional population was 826.

So few girls are committed that at Highland Rim Girls School in Tullahoma — the only institution for girls — 62 girls inhabit a facility that accommodates 176.

The Department of Correction's efforts to lower the institutional population through better classification and the use of group homes are responsible for part of the system's population reduction.

A STATEWIDE decrease in juvenile crime, a drop in the juvenile population and efforts by some courts to develop alternatives to incarceration account for most of it, however, experts say.

On one hand, Correction officials admit institutional care is an inefficient, ineffective method of treating juvenile delinquents.

But on the other hand, they are investing millions of dollars improving the facilities and implementing new programming, insuring that institutions will remain the foundation of the state's treatment of juveniles for a long time.

CURRENTLY, THE Correction Department is trying to structure its youth services division to provide highly specialized treatment for the youths in its care. The objective is to develop individual behavioral, educational, vocational and psychological programming for each child.

In Correction's terminology, each child has an IPP (Individualized Program Plan) custom de-

signed at the point of his or her commitment to the state.

The youth is released from an institution only after completing the programming. A delinquent is committed to Correction indefinitely, but the average length of stay is about five months, according to Humphries.

YOUTH SERVICES recently completed a new manual outlining policies for implementing IPP's and extensive training has begun at the facilities to prepare the staff to carry out the programming.

The question remains, however, "will they in fact carry it out?" according to David Dillingham, who has been monitoring department compliance with the Chancery Court order since 1979.

Dillingham, now with the National Institute of Correction in Washington D.C., said the manual could "save" youth services if the administrators put it to use.

"I AM NOT yet convinced they can do it," he added.

Numerous problems have beset implementation of IPP programming which was mandated by a Davidson County Chancery Court order resulting from a lawsuit filed against the Correction Department.

Every child is guaranteed vocational training in his or her IPP, but the only institution offering a wide range of vocational training is Taft Youth Center, which is generally considered the institution for the "worst" boys in the system.

EVEN THERE the vocational skills taught are often irrelevant to the current job market: shoe repair, furniture upholstery, wood working, carpentry and masonry, welding, laundry services, small engine repair, food services and barbering.

Where there is vocational training, the interests of the juvenile are often overlooked.

The director of the wood working shop at Taft, standing next to several elaborate pieces of furniture, said he did most of the work on the furniture at his home and brought it to the shop for the boys to assemble or finish painting. It is difficult to interest the boys in anything, he commented.

THE LAUNDRY services training amounted to washing and drying the daily ration of sheets, towels and other linens for Taft and the Bledsoe County regional Prison.

At Taft, boys who elect to get their state barber's license usually have to agree to stay in the facility beyond their programming and cut back on their academic classes in order to be able to qualify for the state examination.

Vocational training at Spencer, the largest institution in the state, consists of construction skills and small engine repair.

The institution's director, Albert Dawson, said there are no plans for starting any additional vocational classes at the institution other than food service training. Spencer will be more

"academically" oriented, he said.

A MAJOR obstacle to individualized treatment is the institution's staff. The problem is twofold, Dillingham said.

First, training offered by the department is insufficient.

Second, the wages are among the lowest in state government and do not attract highly qualified personnel.

LEVEL I counselors, who are responsible for implementing the IPP's, start at \$921 a month; level I dormitory supervisors, who spend more time with the youths than any other staff member, start at \$884 a month.

"They pay such lousy wages for people at least at the counselor level," Dillingham said, "I don't know how they can attract the people they need."

"The way the department and the money is geared up, they treat everybody [in the institutions] pretty much the same," counselor Fesmire said.

THE DEPARTMENT must provide "massive amounts of training and hire many new people," Dillingham said, if the IPP format is ever to have any meaning.

However, for that to happen, the department will have to invest immense amounts of money, which is not likely to happen.

The backlash of poor training and understaffing, especially at the dormitory supervisor [guard] positions, has been an overreliance on control or security, according to Howard Cook.

THE institutions — except for Highland Rim — although understaffed, are filled with boys, forcing employees often to take measures to individualized treatment in order to maintain order.

Population control — keeping the boys in line — is often the goal of training school workers rather than treatment, according to Cook. What the kids do learn, according to attorney Mike Engle and others, is "institutionalized behavior."

"Training schools are not set up to make any substantial changes in the kids," said Mike Whitaker, an expert on juvenile justice currently directing a violent juvenile offender program in Memphis.

THE KEY issue, according to Whitaker, is that "kids don't make any decisions when they are" in institutions.

"The majority of the kids can get along fine. If the kid can learn to interact, fine, but when he goes back home, that institutional environment isn't there. If you look at it, nothing is done to change the kids' behavior, just to control it," Whitaker said.

Commitment to Spencer, or other institutions in Tennessee, is equivalent to placing a child in a "time warp" for four to nine months, according to Linda O'Neal of the Institute for Children's Resources.

"WHEN WE commit a child to a training school, all we're doing is buying time," said Judge Walter Baker Harris of the Madison County Juvenile and Probate

Court.

"It's not like you can forget them when you send them off."

The major accomplishment in training schools, according to Humphries and others, is that the youths are forced to go to school. For many of them, their problems began when they were suspended from school or kicked out, the assistant commissioner said.

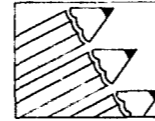
FEW PEOPLE advocate abolition of juvenile institutions.

The common argument is that there needs to be a secure environment to hold certain youths who represent a danger to society.

Liberals and conservatives in the field agree that the use of institutions can be justified. The number of children who belong there is where they disagree.

"The reality is that you need institutions for certain children who are serious offenders, a danger to the community . . . for such repeat offenders that shouldn't be allowed in the community," O'Neal said.

"It is hard to justify the number in [Tennessee's] institutions. It is less expensive and more effective to deal with children on the community level."



"I WILL take you to see the electric chair."

The boy, ignoring the speaker, slowly pulls the comb through his long blond hair. "He thinks it's funny," his mother explains. "But it ain't funny."

"You're going to see young people — 16- or 17-years-old — who were tried as adults. You will see homosexuals, men dressed like women."

**TIGHT JEANS**, skinny arms, bowed legs, impertinent sneer — the boy returns the comb to his pocket and chuckles. The other children laugh.

"It's up to you young people to make a decision on the direction your life will take. You make the decision."

It is the last Wednesday of August, time for the Metro Juvenile Court's monthly field trip to the state penitentiary. The children who will be making the tour are all first-time juvenile offenders. There are 26 of them, ages 10 to 17. They have gotten into trouble by committing petit crimes.

**THE METRO** Juvenile court room is jammed full of boys, some baby faced with failed attempts at facial hair, others looking much older than their 16 or 17 years.

Their mothers are there too, some with colorfully made up faces, their necks, ears, arms and hands daubed in gold jewelry.

"Some of those homosexuals were converted when they came to the prison. Others before they came. You're not going on a picnic. You're going to the Tennessee State Prison."

**OTHER THAN** probation, the prison tour is the only organized treatment program run by Metro Juvenile Court for minor juvenile offenders.

Of all that is happening in juvenile court in Davidson County, it is the prison tour in which Juvenile Judge Richard Jenkins and Charles Ward hold the most pride.

Budget cuts preempt the court from developing treatment programs of its own for juvenile delinquents, according to Jenkins. In the past federal grants have supported diversionary programs, but Metro did not replace the funding when the grants ran out, the judge said.

**POOR FUNDING** is the common apology from juvenile judges and administrators across the state in a juvenile justice system that is usually at the end of the line for funding from county governments. Although courts are mandated to find the least restrictive treatment programs for children adjudicated delinquent, rehabilitation resources are sparse in urban areas and almost nonexistent in rural areas of the state.

# Program Shows Juvenile Offenders Penitentiary Life Is Not Fun and Games

The result is a juvenile justice system that is not a system, but a chaotic, hodge podge array of courts and social agencies operating, for the most part, separately and on relatively little money or guidance from state law makers.

The organized treatment programs available in Nashville focus their resources on neglected and dependent children and status offenders — children who commit offenses for which an adult could not be arrested. Status offenders are "out of control" children, runaways and truants.

**RICHLAND VILLAGE**, operated by the Metro Department of Social Services is used by the court for residential care for neglected and dependent children, runaways and minor delinquents. Oasis House, a private organization, provides bed space for runaways and Rap House offers counseling to troubled children and delinquents in some cases. Serendipity House will take some minor delinquents but its facilities are limited and it provides care for most of Middle Tennessee.

For most delinquent children in Davidson County the choices are simple: on the first delinquency adjudication — the juvenile version of a conviction — they get a warning, sometimes with a tour of the prison or public service work assignments; on the second, another warning or, depending on the seriousness of the

offense, probation or suspended sentence to the Department of Correction; on the third or fourth go round, probation or even commitment to the state Department of Correction.

"There is just nothing here treatment wise for the kids," said Joan Hamner, assistant public defender at juvenile court.

**FOR YOUTHS** who commit serious offenses, especially crimes against a person, there are no services for them outside of the Correction Department, according to juvenile justice workers here. Jenkins said he would like to place some youths in Correction's group homes, but that takes a commitment to Correction which places an undesirable "label" on the child.

"Stay together. Because do you know what the inmates are wearing? Blue jeans and T-shirts and street dress just like you. So one of you could easily get pulled over in the corner and..." The speaker, probation officer Ward, thrusts his hand upward as though he were jamming a knife into someone's belly.

"This is my pet project," Ward said later. "I can tell that it does these kids good to see this. All of these kids are minor delinquents. We are not trying to scare them in any way but to show them why they are here (in the court)."

Despite Ward's comments, the meandering route through the



— Staff photo by Ricky Rogers

penitentiary is a non-stop parade of horrors, a Ripley's Believe It or Not of murders, knifings, rapes and, most of all, homosexuality, recited by veteran inmates, prison employees and court officials. The lines have been rehearsed by once a month repetition since the diversionary program began at Ward's instigation five years ago.

**THE TOUR**, designed to "scare 'em straight," is a poor substitute for real treatment programs, according to juvenile justice experts here.

"Now boys, and you ladies, too, if you hear these men inside whistling or shouting once you get inside, don't worry. They're not whistling at the mothers, they're looking at you boys," prison counselor Martha McKinney warns the tour group (as Ward said she would) as they stand at the front steps of the prison.

**THREE CONVICTS** serve as tour guides: John Brown, editor of the prison newspaper *Interim*, serving 198 years for murdering Grand Ole Opry star David "Stringbean" Akeman and his wife in 1973; James (Buster) Collins, serving a life sentence for killing a Hamblen County policeman; Tom Pearson, a convicted kidnapper, sex offender and armed robber serving 45 years to life.

At one point after the group is led through a crowd of inmates who shout mild threats at the

mothers, and their children, McKinney says with delight to Ward: "That couldn't have been any better if I had planned it."

**FINALLY THE** tour ends with an assembly in the prison visitor's lounge during which Collins proves that inmates have weapons at their disposal by pulling a 10-inch knife on the blond-haired boy.

"It don't matter where I got it," Collins tells the boy. "There are 1,900 men out here who can get one of these." The knife is withdrawn, no one is injured and the prison tour is over.

Until 1980 Metro Juvenile Court operated a Youth Aid Bureau system of field probationary officers. Instead of working out of Howard School, where the court offices are located, the officers were scattered in diverse areas of the county where they worked directly with the delinquent child, the family, school, church and other community organizations that had ties with the child.

**THE PROGRAM** was successful, diverting many children who would normally end up in a state training school away from the court and further run-ins with the "law," according to Jenkins, Chief Probation Officer Clarke Harris, Ward and others familiar with the juvenile court.

But in 1980 the Metro Council cut the court's budget, eliminat-

ing the YAB. Since 1979 the number of children committed to the state Department of Correction has almost doubled from 84 to 158, a statistic Jenkins and Harris attribute directly to the demise of the YAB, although the number of commitments was high during the YAB's existence.

**WHAT WAS** left was a "deficient," poorly staffed and managed squad of probation officers. Today probation officers, Harris and Jenkins admit, seldom leave their offices, spend most of their time performing clerical duties and preparing for court hearings and almost never see the youths they are assigned to counsel.

"Probation is usually just about as good as the child or parent," Jenkins said. "In the true sense of probation, though, we can hardly do it."

In several studies, the probation program has been found to be the most inept aspect of the court's operation, providing worthless, if not nonexistent, services to children adjudicated delinquent by the court.

**MOST RECENTLY**, H. Ted Rubin, who for six years was juvenile judge in Denver, Colo., inspected the administration of the court for the Office of Juvenile Justice and Delinquency Prevention (OJJDP) in Washington D.C. The inspection had been requested by the Mayor's Commission on

Crime subcommittee on the Juvenile Court. Rubin, a senior associate with the Institute for Court Management in Denver, said he found two "glaring deficiencies" in the court's operation, both of which involved the probation office.

First, he said, the probation staff does not prepare comprehensive social studies of the youths assigned to their case load. The studies of the juvenile's family, educational and criminal background, are supposedly the basis for the judge's or referee's decision on what to do with the child. These studies are not done in Davidson County, he said.

**SECOND, THE** probation staff provides no direct counseling to the youths placed on probation, "rather an incredible deficiency," Rubin said.

Youths placed on probation and those given suspended sentences to the Department of Correction need the "most intensive services," but they receive the same as the other 2,500 youths adjudicated delinquent by the court: none.

Rubin said the Metro Juvenile Court places relatively fewer youths on probation than most metropolitan juvenile courts.

**PART OF** the probation problem, as Jenkins and Harris complain, comes from poor funding, Rubin said. In 1981, nine proba-

tion officers and three supervisors, who handle some cases, were responsible for preparing 4,920 individual delinquent cases involving 9,479 charges for court. In addition, 149 of those youths were given probation and 204 were given probation with suspended sentences to the Department of Correction.

"It can't be managed that way," Rubin said.

The nationally accepted standard case load for a probation officer is 35 cases per worker, Rubin said. Most recently another set of standards has recommended 25 cases per worker.

**BESIDES POOR** funding and staffing, however, there is a management problem, according to Rubin and Don Rademacher, a special consultant with the University of Illinois Community Research Center who also inspected the court.

Only eight persons are assigned to the intake process, where decisions are made on what offense to charge a juvenile with and whether to detain him. These eight persons are spread out over 24 hour duty, seven days a week.

"They're going to need more people," Rademacher said.

**IN ADDITION,** the intake workers are saddled with "time consuming and probably not necessary" procedures, Rademacher said. For instance, 9,479 delin-

quency petitions — or charges — were filed last year in Davidson County; in Shelby County, where the population is almost twice that of Davidson County, there were 7,373 delinquency petitions filed in the same year.

"This means a lot of paper work," Rademacher said. "They need to look at their procedures, maybe even change some policies so that the intake officer can accept or reject a petition."

Of the almost 5,000 cases received in court last year, virtually none was dismissed at the intake point. Rubin said this flooded the court with "Mickey Mouse and nickle and dime" cases that never should have received any formal attention. The Youth Guidance division of the police department refers too many cases to the court that could be handled by a simple warning, he said.

Some reorganization is taking place. A policy and procedures manual — a fundamental element of juvenile court operation for decades, according to Rademacher — is currently being devised for the first time in the court here.

**IN ADDITION,** a probationary team of three officers has been organized to develop social histories of youths the court finds guilty of committing delinquent offenses.

Some money is available for

developing diversionary treatment programs other than probation for delinquent juveniles.

OJJDP, a division of the U.S. Justice Department, has spent hundreds of millions of dollars since its inception with the passage of the Juvenile Justice Act in 1974 on supporting treatment programs and research projects on deinstitutionalizing status offenders and getting juveniles out of adult jails. Only recently has that office recognized that delinquents, especially those who commit serious crimes, have been overlooked in the development of treatment programs.

**MONEY EARMARKED** for developing such programs was made available to the states in 1981. In Davidson County, two grants — \$22,114.80 in 1981 and \$28,153.94 in 1982 — were awarded under the guise of developing treatment programs for juveniles who commit serious crimes.

The beneficiary of those grants was District Attorney General Tom Shriver's office which is using the program money to pay the salary of an extra prosecutor at juvenile court.

By adding another prosecutor, in this case Assistant District Attorney Keith Jordan, the prosecutor's office will be able to "upgrade and expand the quality of prosecution" and to "increase the number of serious offenders

being prosecuted" in juvenile court, according to the grant proposal.

**COUNCIL MEMBERS** Philip Sadler and Betty Nixon, Metro Police Major George Currey and Jenkins all wrote letters to the Tennessee Children's Commission, which awards the grants, in support of the proposal.

Jordan said he sees nothing wrong with using money designated for treatment programs to increase the effectiveness of prosecuting juvenile delinquents. Under the grant guidelines, "existing" elements of the juvenile justice system — in this case, the prosecutor — may receive money.

The prosecutor is not interested solely in having a youth locked away, he said. Prosecution is a necessary element of finding the proper disposition for the child, he said, adding that a backlog in cases has been eliminated.

"I have no apologies for what I am doing," Jordan said. "It is lending professionalism to the juvenile court."

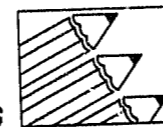


*The Knoxville Journal*

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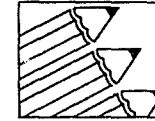
**Violent Juvenile Crime in East  
Tennessee: A Family  
Perspective**

*A Seven-Part Series*



*By Leslie Henderson*

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# Juvenile crime

## Meager information is known or available about 'the bad ones'

The youth stands motionless, leaning his spare body against the smudged window glass. Head tilted slightly, he stares into the guard station with the unmoving, unseeing gaze of a dead man.

Several minutes later, he turns slowly and moves away.

In another building in the confine, a guard grabs a boy's tattooed arm to illustrate a point.

"You never know what they're going to do," he said, turning the boy's arm to show six angry red slash scars against the pale skin.

While the boy hid his face, the guard said it is difficult to know whether the self-mutilations are actual suicide attempts or moves for placement in the smaller dorm unit reserved for those boys with serious emotional problems.

Called murderers, rapists, armed robbers — "the bad ones" — by many, these boys are inmates at Taft Youth Center in Bledsoe County, the most secure corrections' facility for convicted juveniles in Tennessee.

That is where the serious violent offenders are sent. Some say for retribution, others say for rehabilitation, but no one says it works.

"If we help one out of 50 or 100, we're lucky," Taft counselor Jackie Ellis said. "They just keep coming back . . . or if we don't see them again it's because they have gone on to the adult system."

No large percentage of juveniles in Tennessee stands convicted of serious violent crime. In 33 coun-

ties in East Tennessee, there were 91 convictions for murder, rape, assault and armed robbery since January 1981. In fact, the numbers are small nationwide. But that does not mean juvenile violence is not a serious, frightening problem in the United States.

Juveniles are arrested in 25 percent of all violent crimes committed in the United States, and the cost is an estimated \$5 billion a year, according to recent federal studies. But the majority of these crimes is committed by a small group, 5 to 6 percent of the delinquent population — a group about which little is known.

Contrary to popular belief, the numbers are not increasing. There is no juvenile crime wave nationally. The arrest rate for most juvenile crime — including violent crime — has leveled off since the mid-70s, after increasing significantly during the preceding decade.

In 1980, Congress passed an amendment to the 1974 Juvenile Justice and Delinquency Prevention Act that emphasized comprehensive research and programs set up to deal with those juveniles involved in serious violent crime.

Right now, the Office of Juvenile Justice and Delinquency Prevention (OJJDP) — a division of the U.S. Department of Justice — is involved in a number of long-term research projects and four model programs to learn more about these children.

What they know is that the way these children are handled now is not working. What is not known is whether anything will work.

### About the Author

LESLIE HENDERSON began her career with the campus newspaper at Georgia State University where she received a B.A. in journalism, magna cum laude, in 1978.

In 1980 Henderson was a general assignment reporter with the *Knoxville News-Sentinel* and joined *The Knoxville Journal* staff as court reporter in 1982. She has won several scholastic journalism awards, including the Ralph Emerson McGill Award for excellence.

Henderson's research focused on individual court and social histories of a number of East Tennessee children and their families. Strict confidentiality laws made the research difficult at times; but, thanks to a number of juvenile court judges and concerned parents, Henderson compiled the stories of their lives and crimes from interviews and records.

Jerome Miller, with the National Center on Institutions and Alternatives in Washington, D.C., suggested to the Senate Subcommittee on Juvenile Justice last year. "Why, for example would a 13-year-old Charles Manson enter a juvenile correctional system as a runaway and emerge from San Quentin 19 years later to be involved in unspeakable violence?"

"Could his being raped as a 13-year-old in one of our child treatment facilities in any way be of relevance . . . It is a possibility."

There are 185 boys enrolled at Taft at present. When a Knoxville Journal reporter visited the facility last month, three youths were in the lock-up unit awaiting trial on homosexual rape charges in connection with incidents at Taft.

In the past six months, an estimated 10 inmates have been brought to Bledsoe County Criminal Court for crimes committed within the institution.

The most dangerous "student" there is pointed out by one of the guards. "I guarantee it. I could shake him down right now and make sure he didn't have anything on him and as soon as I turned around and checked him again, he'd have a (home-made) weapon on him," he said.

Six months ago, six Taft employees, including the director, were fired after the Tennessee Bureau of Investigation released the results of a long-term investigation in which agents said physical force was being abused at the facility.

Even those youths said to be rehabilitated after completing the nine-month vocational program at Taft have little chance of success because, researchers say, they return to the same environment — of-

ten marked by family neglect and abuse, peer pressure, extreme poverty and community crime.

Considerable emphasis is now directed toward studying the family situations of these offenders and some of the fledgling programs across the country are pushing family participation.

A task much easier said than done.



## Frankie recalls his violent child life of crime

Frankie is five-foot-one, weighs 125 pounds, has a straggle of a goatee and an immobile face.

He talks about his criminal career in a monotone. The only show of feeling sparks when he talks about his family adopting his 18-year-old first cousin, the daughter of the man he is charged with murdering.

When you argue, do you get physical, Frankie?

"Yeah, it don't take much," he says in the visiting booth at the county jail where he is awaiting trial.

Now 20 years old, Frankie talks about his teen-age years, a good portion of which were spent at juvenile institutions for crimes committed in several rural counties, and when he organized the riot at the maximum security facility for juveniles, Taft Youth Center.

"I started it," he said. "I thought I had been mistreated" by the guards who were brought in from the state penitentiary to replace the juvenile guards out on strike.

"They started telling us about the big house," he said "so I got sheets and clothes and matches . . . and I gave the signal."

Frankie was 17 then and he was transferred to the adult system for trial for inciting and participating in the three-day riot. By the time he was tried on the charges, he also had racked up five jail-breaking charges, he said.

The first time "I broke jail," Frankie said, was when he found out his mother had been shot with a 12-gauge shotgun by a man who shot into a "crowd of 100 people" at a drunken party.

He said his parents didn't tell him "until she got better . . . she and Dad came to visit me and told me about it . . . I said, 'I'm breaking out tonight.'"

Frankie's court records show his father is a carpenter and his mother is a housewife.

There were nine children in the family, but Frankie's older brother was killed when he was hit by a car while riding a bike on the county road in front of his rural home.

Juvenile court records show that Frankie's mother said, "After his brother's death, he stopped going to church . . . wouldn't have nothing more to do with it." There was a year between their ages.

Frankie said he was "always fighting in school" since the fourth grade, "fighting with teachers, fighting with other individuals" and later assaulting police officers. He said "I never liked anybody telling me what to do."

He said he had counseling when he was 14. "I went there two years . . . while I was going I was OK," he said, telling that he stopped going because, "One day they said, 'You ain't crazy.'"

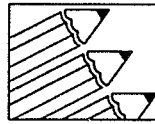
Then, he said, "I started messing up again . . . I liked going down there."

One time when he was in a juvenile institution, he wrote a letter to the juvenile judge in his home county. He was 16 and wanted to be transferred to another institution which reportedly has a good vocational program and less security.

He wrote, ". . . because I need a job and like I said before I am not worried about the time I spend at any place because all I want is for once in my life I want to make something of my life and I mean I want to be somebody. I am sorry for what I have done in the past . . ."

He says the courts have been "more than fair" to him, the jails "good, like home" and he has been given many breaks. But, even without the breaks, he said, he still would have gotten into trouble.

When asked what advice he'd give to keep other children out of trouble he said "I'd tell their Mama and Daddy to pick up a belt and bust 'em."



## Tougher juvenile laws mirror a scared public

Americans are frightened of violent juvenile crime and their fears seem to be reflected in the growing trend toward "get tough" legislation in juvenile law.

"A 15-year-old can kill you just as dead and cut your head off just as swiftly as a 25-year-old," Sullivan County Juvenile Judge George Garrett says, in what is becoming an echo from across the country.

And although most violent crimes are committed by young adults in the 18- to 25-year-old range, violent crimes committed by those under 18 may tend to grab more publicity and, recently, more legislative attention.

For instance, some states, including Tennessee, have recently lowered the age at which a juvenile can be tried in adult court, to as low as 10 years old.

Tennessee now allows a 14-year-old to be tried as an adult for such major crimes as rape, murder, armed robbery or kidnapping. Previously, the age was 15. Unchanged was the provision that any child over the age of 16 can be transferred for any offense, if certain criteria are met.

In response to a request by The Knoxville Journal for statistics on juveniles who were remanded to the adult system, the Tennessee Department of Corrections supplied figures covering a 19-month period beginning January 1981 through July 1982.

Knox County sent far more juveniles to the adult system than any other county in the 33-county region of East Tennessee — sending 13 youths to the adult system in that period. Knox County also had the highest number of juveniles convicted for violent crimes during that same period — 39.

A total of 32 juveniles were sent to the adult court system in East Tennessee in that time period. The statistics for the region's other urban-population counties showed Chattanooga (Hamilton County) with one juvenile transfer and Kingsport/Bristol (Sullivan County) with four transfers.

And although statistics, both nationally and locally, are notoriously poor in the field of juvenile justice because of broad variance in record-keeping and reporting standards, researchers estimate these numbers are increasing nationwide.

Judge Garrett, who handles juvenile cases in Kingsport in upper East Tennessee said he leans toward transfer to adult court in any serious crime.

"Because I have to live with my decision . . ." Garrett said, although he said he has only had 10 or 15 violent cases in the 10 years he has been on the bench.

His attitude reflects the high emotional level of a scared public.

"If I've got some child that has committed some act of violence . . . has tried to cut his mother's

head off . . . tried to cut his sister's breast off or sexually mutilated some child in the neighborhood, if I let that child back out in the community I have to live with that."

When asked if he has had those types of cases before him he said, "No, I haven't thank God. I haven't had any" and expressed surprise at national statistics showing no increases in violent juvenile crime.

Interviews with representatives from the Office of Juvenile Justice and Delinquency Prevention (OJJDP) in Washington reveal concern that this trend is a reaction to an erroneous perception that serious crime among juveniles is increasing.

And particularly since the trend depends on the theory that the adult system will be more effective in handling these problems. An assumption which is questionable at best, they say.

Ironically, preliminary studies show that juveniles tried in adult court generally receive lesser sentences than those tried in juvenile court. The common explanation is that judges, juries and prosecutors used to handling hardened adult criminals tend to be more lenient with juveniles in their courts.

Garrett prefers transfer to adult court because the Tennessee juvenile system loses jurisdiction after the age of 19. If a 16-year-old commits murder and is sent to corrections he would be released auto-



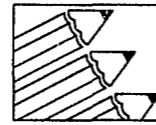
matically at age 19, he explained. If sent to adult prison, after his time is served he would stay under probationary supervision.

"I don't think you are doing society a favor or that child a favor — if he has serious problems — by giving him a free ride for two years or so and putting him back out on the street," he said.

One of the cases which Garrett has sent to adult court for trial is a case of a 16-year-old boy who stole a car, tried to run a roadblock, and killed a police officer.

"The car hit the air and hit a deputy and cut him into three pieces. He was a sergeant, with a wife and children," he said. "Now is that a violent crime?"

"Some people may say he was just a misguided 16-year-old youth who was trying to run a roadblock . . ." the judge said. "Our society has become so liberal . . . somebody is going to have to say sometime, 'You are going to have to be accountable, regardless.'"



# Sadness threads

Bobby "ain't been right" since he killed that boy, his father told the court. He "beats his head against the wall."

Bobby was 15 and small for his age when he stabbed a neighborhood bully with a butcher knife. He said four boys, led on by the bully, jumped him outside the corner grocery store, threatening to force him to perform oral sex on them. He ran to his project home crying, but slipped out the back door with a knife in his jeans, while his parents called the police to report the attack.

His mother said when he returned, he told her calmly that he didn't have to worry about that boy any more.

\*\*\*

Raymond's father wasn't home much when he was growing up. He was in jail for armed robbery and

attempted rape. His mother, according to court records, lost the children to the court for neglect. "This worker thinks she is prostituting herself. . . although must be hard for this woman to raise her eight children alone. . ."

The first time Raymond was sent away he and his brother were found guilty of stealing silk underwear. In a psychological workup for the court, Raymond couldn't respond to the standard test asking him to name three wishes. His "only wish," the report read, "made many times over, is not to be locked up."

He is now in the state penitentiary for second-degree murder serving a 60-year sentence. In the

hearing transferring the murder charge to adult court the arresting officer testified that Raymond told him he stabbed his friend in the chest because "I like to stab people."

\*\*\*

Youngest son in a large family, Otis is big for his age, always has been. One of his sisters married a jealous man. A few months ago in an inner-city neighborhood, Otis' brother-in-law came at his wife with his fists. Otis gripped the raging man's upper body with his arm, holding him tightly while his sister held a pillow across his face until he slumped.

"I don't think they meant to kill him," one of the juvenile court officers said. Otis, whose only juvenile record was a petty theft charge at age 14, was arrested in the murder but the charges were later dismissed.

\*\*\*

Lloyd is a soft-spoken, slender boy whose mannerisms indicate shyness and remorse. His mother says his "trouble" started on Halloween night in 1971, when his 15-year-old brother's body was thrown out of a car in front of their house.

Just turned 18, Lloyd is in the county jail awaiting trial in adult court for escape and burglary. He said he escaped from a work release program and went home. He was serving a three-year sentence for cutting a man's throat.

His soft, dark hair falls over a large triangular-shaped scar on his forehead, received in a drunken car

**Violent juvenile crime**  
Convictions in East Tennessee juvenile courts from January 1981 through July 1982

	MURDER	RAPE	ARMED ROBBERY	SERIOUS ASSAULT	TOTAL
Hamilton		3	3	1	7
McMinn			1		1
Brodley			2	2	4
Roone				3	3
Loudon		1	2	1	4
Monroe			1	1	2
Bleunt		1	1	6	10
Sevier				2	2
Cocke			1		1
Jefferson				2	2
Hornblen			3	5	8
Campbell	1			2	3
Anderson			2	2	4
Union			1		1
Knox	2	3	21	14	39
<b>TOTALS</b>	<b>3</b>	<b>7</b>	<b>38</b>	<b>43</b>	<b>91</b>

These counties had no violent juvenile crime convictions: Pickett, Fentress, Cumberland, Rhea, Meigs, Polk, Scott, Morgan, Grainger, Claiborne, Hancock, Hawkins, Greene, Washington, Sullivan, Carter, Unicoi and Johnson.  
\*Includes sexual battery and aiding and abetting in serious sexual offenses.  
\*Includes 18 assault and batteries, but according to Department of Corrections sources, the assaults in this listing are the more serious cases.  
\*Includes transfers to adult court.  
\*Figures do not include those juveniles whose cases were transferred and tried in the adult court system.

## Setting it straight

### Juvenile crime figures clarified

Figures supplied by the Tennessee Department of Correction for The Knoxville Journal series on violent juvenile crime showing 13 juveniles whose cases were remanded to adult court for trial in Knox County included eight persons who committed crimes at age 18.

Although The Journal requested statistics on those juveniles whose cases were transferred to adult court, the figures on those eight persons were given along with the juvenile numbers, according to a spokesman for the Department of Correction.

Since the juvenile system retains jurisdiction until age 19, the age between 18 and 19 is a gray area for a person already under supervision, according to a corrections counselor for the East Tennessee region, Mike Harklerode, who apologized for the misunderstanding.

In discussing the ever-present difficulties involved in compiling accurate juvenile figures, Harklerode added that unless the juvenile was under corrections supervision at the time of the offense, he or she would not be listed in their statistics. The only way to get a more accurate portrayal of the number of juveniles transferred for trial in adult court, he said, is to have each individual juvenile court research its records.

## violent young lives

wreck the night his assault case was transferred to the adult court. He was 16 at the time. A boy in his rural neighborhood is permanently brain damaged from injuries received in that wreck.

These are East Tennessee's children. Why do they kill and maim?

"Under the right circumstances, we all could kill," Knox County Juvenile Court Referee Brenda Waggoner says.

The difference, she says: "These children are set off with minor provocations. . ."

Waggoner, as Knox County referee, decides a number of juvenile cases, some involving violence. Although Knox County had more than a third of the violent convictions in the East Tennessee area since January, 1981, she says in her 3½ years on the bench she has seen only one child who was "just flat mean."

Six East Tennessee families whose children were convicted of violent crime participated in the Knoxville Journal study. In those families, 10 juveniles were charged with violent crimes — five with more than one arrest for violence — in connection with 18 crimes. All 10 were male.

Through each of their stories a common thread of sadness and tragedy appeared, especially for those youths who could be labeled chronic offenders. Their short lives were filled with chaos, both violent and tragic. Although the sample size would prohibit drawing scientific conclusions, a number of common occurrences were observed:

■ **Five** of the six families lost an older brother both prematurely and violently. In four of those five cases, the families believe the deaths were not accidental.

■ **Two** of the mothers had been victims of shooting incidents during the violent youth's adolescence.

■ **All** the families were poor and at least two lived in incredible poverty.

■ **In two** families, the children were put into foster care during their early years due to parental neglect.

The study participants, identified by three juvenile courts in East Tennessee as examples of youths convicted of violent crimes in their area, were split evenly in two categories — half from broken homes, half from intact families. Also, half were from rural areas and half from urban.

National studies show some similar character traits among juveniles who commit certain acts of violence. For instance, according to background papers compiled for the Office of Juvenile Justice and Delinquency Prevention by the URSA Institute:

■ **Little** is known about juvenile rapists, but one study showed recidivism among juvenile sex offenders is amazingly high — 50 percent. The limited data show these youths are often sexually naive and misinformed, from all economic classes and frequently have histories of being abused both sexually and physically.

■ **Juvenile murderers** are almost all male, from poor neighbor-

hoods, half are 16 or under and two-thirds have previous correctional involvement. Their family backgrounds are "chaotic," "brutal" and exposed them to "considerable violence."

Federal studies also show certain characteristics shared by those youths defined as chronic serious offenders, who comprise approximately 2 percent of the total youth population, but are responsible for nine percent of the nation's murders, 34 percent of robberies, and 16 percent of rapes and aggravated assaults. The characteristics:

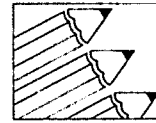
■ **More often** than not, they come from poor families in which they themselves were abused. They are almost always male and in their late teens.

■ **Their victims**, contrary to popular belief, are not the elderly and infirm; but usually males their own age or slightly older.

■ **A third** of them have juvenile records showing violent acts within a random pattern of non-violent delinquent behavior offenses, while another third show no delinquent history.

Since juvenile violence is concentrated in poor neighborhoods in large urban centers, most of the research has focused on the problems of large metropolitan cities.





## Liquor, 'reputation' add to Lloyd's trouble

In Upper East Tennessee, on the edge of a rural county and, often on the far side of the law, is an old moonshiners' community. It's a rough, rural community where people "get licked up" every night and cuttings and shootings are commonplace.

A few family names in the area stand for "tough and mean" and the Bandy family is one of them. Marge Bandy's car, parked in the carport of their small white house, has a bumper sticker that reads, in ethnic paradox, "You toucha my car, I breaka you face!"

The county juvenile officer says Marge's youngest son, Lloyd, is "not a bad kid" even though his juvenile police record lists several serious felony charges including aggravated assault, arson and rape. He says of Lloyd, "There are two of him," and one "has a reputation to keep up."

Marge, whose four children's names are tattooed on her arm with the word "love," talks about her son:

*"It really all started when his brother got killed. Somebody killed him on Halloween night back in '71. They said a car run over him but their warn't no car run over him. I've always said, if I ever found out who done it, I'd kill him. . ."*

Lloyd was 7 when his brother was killed in 1971. As the story goes, his body was thrown out of a car in front of their house. In an interview at the county jail where he is awaiting trial for burglary and escape, Lloyd said his parents spoiled him after his brother's death.

"They said they kinda felt sorry for me, 'cause my brother, when he got killed, I'd go off huntin' for him. Go up and down the road lookin' . . . Said they wanted me to have

what I could have. They told me they let me get away with a lot," he said.

*"I cain't say to 'no' to him for nothing . . . It just about drives me up the wall thinking about him being up there in that hot jail. They don't feed him fit for nothing . . . Being up there so hongry and hot. Then my husband he'll say, 'He don't have to be up there. He could be right here with us at the house.' But that's another story, too. . ."*

Lloyd's court record starts with a breaking and entering conviction in 1976, when he was 12. Two years later he was convicted of threatening a woman's life with a shotgun.

*"That's when (Lloyd)'s trouble started, see, 'cause he and (his brother) was just like that (motion with fingers close together) . . . Everywhere (his brother) went, (Lloyd), he was right on his heels. He had to go with him. But (Lloyd), he's a kind of a young'un, I guess he takes that after his daddy, he won't talk his problems out . . . (His father) and (Lloyd) they're just about alike. They hold stuff in. About the only time they talk about anything is when they get to drinkin'. Then it'll boil out. . ."*

*"Started getting into trouble, just small things, like leavin' school, runnin' off with some of the little boys down there. Later on, it was breakin' in the school house, breakin' the winders out and . . . uh . . . then he was expelled for a whole year. I can't remember what it was for. . ."*

*"Then he got out with these boys here. He's bad to run with them. In one thing, right after another. And it seems like that's who (Lloyd) wants to go with all the time . . . the very ones who gets him into it, that's the ones he'll go*

*with. So I guess . . . first time he got in trouble, went up to this woman's house. They whupped this guy and there was a shotgun involved in it and this woman said that (Lloyd) threatened to kill her, so Judge was going to send him off again but his older brother, he lives off in (town). He's married. Of course, he's off in the penitentiary now . . . selling marijuana to the TBI man or somebody. I think they just give him a year . . . but I never did have no other trouble out of my other children. (Lloyd) is the only one."*

When Lloyd was 15, he was charged with breaking and entering and arson, for which he was committed to a juvenile institution. The county juvenile judge said, "He burned up a \$30,000 home to cover up a \$30 burglary."

*"He went up there (with the older brother in town) to live for them. Stayed up there about six months . . . One Saturday, he got drunk and he come home. So then he came back down, he got with little old (Lonnie Pilkey) and they went up here and broke into this woman's house and they got scared. (Lonnie) said, 'We put fingerprints all over the house.' So well, just set the damn thing on fire. So (Lloyd) told me, 'Don't know who set the fire.' Don't know who set the fire, maybe both of 'em did. They was just out drunk, into meanness, something to get into. That warn't nobody home and said they thought they'd just break in there . . . Didn't know nothing about that for a long time."*

*"Took him to jail, but I don't think it was for that and (Lloyd) told him what he had done so they sent him up and he stayed nine months there and I thought that would help . . . Warn't no time, he was back with those (Biddles) He*



wouldn't stay here for one minute . . . it warn't long till they took him to (town)."

Juvenile officers in the area say the community has a "gang-type" atmosphere. One opened a desk drawer and pulled out a handful of bullets which he said he "dug out of the walls" at Lloyd's house.

"I have to hand it to him" the juvenile officer said, "when he first came home" after his first commitment, "He was trying, but while he

was gone the boys he run with split up into two clans and one decided they were after (Lloyd). He took it as long as he could."

"He just acts like he's got to prove to these people that he can take care of hisself or that they ain't going to run over him. I don't know what he's trying to prove. He can't stay out of trouble . . . He can't cope with the outside world sober. He's got to be an alkiholic or a drug addict or something. You ought to

see him turn a bottle of beer up and drink it. . ."

In between commitments, court personnel said, he and his friends picked up a girl in town and brought her back to a field near their homes where they raped her, five of them. They were arrested and charged, but the girl later changed her mind about prosecuting.

"Came home one night, I was workin' nights, me and my husband both. Here he was, laying on the couch. He was just bloody as a hawg. All his har was pulled out. We had an oil stove and the top of that stove, I bet it had a pile of har on it that big (her hands show the size of a football). Well, his shirt was tore off of him. He was drunk. Finally got him awake. I said '(Lloyd), what's wrong with you. What happened?' and he said, 'Damn son of a bitch tried to kill me tonight.' I said, 'who, what, whar?' I don't know, just talked about how big he was. So I said 'let's get up here and see how bad are you cut.' Got his shirt off his hand. His thumb was cut pretty bad so I got him up. Took him on to . . . the hospital. Had him sewed up. Then they took a warrant for him cause he cut that boy. (Lloyd) said he cut him. Said he was trying to kill him and that was the only way he could get him off. . ."

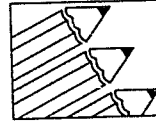
Last year Lloyd was bound over to the adult system for cutting a man's throat in an argument in town. The night of the transfer hearing he left the court with a group of friends to "go 'a-drinkin'", his mother said.

That night he wrecked a car and his passenger was severely injured, suffering permanent brain damage, court personnel said. For that, the

juvenile judge committed him to a juvenile institution until he could be tried for the aggravated assault.

Lloyd says all his crimes were committed while he is intoxicated and, "I can't go without it."

"There's something wrong with him. Sending him back up to the penitentiary, he'll just do the same thing over again, if anything it will make him worse. He told me, 'I'm takin' my boots back.' I said, 'Lord, what you takin' those boots back fer?' 'Them's my stoppin' boots. I ain't takin nothin' off of no son of a bitch. When I go back, they better not talk to me.' That's just the attitude. 'Now I'm a gonna kill 'em all, if they bother me.' . . . I can't hep him and that's not going to hep him down there. If he don't get some kind of psychiatric treatment for a while and see . . . My God, one little boy . . . looks like somebody would reach out and hep him."



## Violent family merges victim,

Raymond's father, Ace Jackson, was 17 when he committed his first murder. He killed a boy at a reform school. When Raymond was 17, he too was arrested for murder.

Raymond was living away from home with his girlfriend, his mother said. On a Sunday night ride, there was an argument at a service station, she said, and a boy was killed with a long, kitchen knife.

The police officer who investigated the crime said at one of the court hearings that Raymond had said there was no argument, and that he did it because "I like to stab people."

Raymond's family juvenile court record begins when he was four. A petition filed with the court charged Raymond's mother, Effie, with neglect. Her eight children, aged eight months to eight years, were taken away from her for "leaving them unattended and without food and other necessities from 2/21/66 until officers came 2/23/66."

The social worker's report said that Raymond's father, who has two previous murder convictions for killings in both juvenile and adult institutions, was serving a ten-year prison term for attempted rape and armed robbery, and that "It is this worker's opinion that Mrs. (Jackson) is prostituting herself during her absence from the home. . . although it must be hard for this woman to raise her eight children alone."

In the area juvenile court, records are filed by family. The file is fat. Nine of Effie's ten children have juvenile court records, with one notation saying "The history of this



## criminal

family is one long list of violence and death."

When Raymond was eight, his parents divorced. According to court records, Effie got a divorce because of physical abuse.

Raymond's record was compiled when he was charged with murder three years ago. It started in 1971 when he was ten. Between then and November, 1976, it reads, "throwing bottles; attacking petitioner's son; truancy; beyond control; shoplifting; possession of marijuana; accessory to auto theft; breaking and entering auto; under the influence and assault with threat to kill."

At the hearing to transfer the murder case to adult court, the head probation counselor of the court said Raymond had been sent to the Department of Corrections four times. He wrote, "Nothing we've tried has worked to turn him around."

His psychological evaluations, filed with the court, say Raymond is "borderline mentally retarded. . .immature, inequitable, aggressive individual who perceives himself unconsciously as damaged and as isolated and alone in the world. . .an impulsive individual, whose tolerance for frustration is very low. . .he may perceive more danger than in fact exists and he may overreact to a situation, lashing out violently. . ."

In the report of Raymond's results from standard psychological testing, the psychologist wrote, "If he could change his family, we

would get them a better place to live. If he could change himself, he would like to turn his life around. He was asked to list three wishes, but he replied that his only wish made many times over, is not to be locked up."

When he was found guilty in criminal court in February 1980 of second-degree murder, he was sentenced to serve 60 years in prison.

Six months later, his 13-year-old brother Leroy, was convicted of felonious assault.

The boys in the Jackson family were fond of their father, "when he was around," Effie said.

The oldest boy in the family, Lawrence, was probably the closest to his father. When Lawrence was in the hospital in 1977, for injuries which proved later to be fatal, he kept asking for his father to visit, but Effie said Ace did not want to see him "like that."

Lawrence died at the age of 17, from injuries received when he jumped off a building while running from police who were chasing him in connection with breaking and entering a tire store. The court records say he had been paralyzed and brain damaged from cardiac arrest for three months before his death.

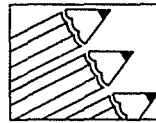
Lawrence's court records were even more extensive than Raymond's although mostly for stealing. Effie said of his premature death, "Something had to stop him."

When Lawrence was 12, his juvenile records show a conviction for perjury in connection with his

testimony before the grand jury on a murder charge against his father, who was accused of shooting an eight-year-old girl.

Although he had told the grand jury the gun went off in his father's hand right before the little girl dropped to the floor dead, when he was called to testify in criminal court he took the blame for the shooting. His father was acquitted of the charges.

In a later psychological workup for the juvenile court, the psychologist said Lawrence stood watching as "his father accidentally shot a little girl in his home. . .and (Lawrence) stated that it bothered him a little. He related, 'The little girl still had a piece of cake in her hand.'"



The screen door swings open and cracks closed again, letting another legion of flies into the grey project Stevie calls home. He looks younger than his 15 years with the blond curls that frame his face and poke haphazardly around the red ball cap tilted backward on his head.

When he speaks, he talks with a slight lisp and it's hard to hear with the TV and the noise of the children playing, indoors and out. Of the nine Daniel children, four are now living at home, since Stevie got back.

Stevie and two of his older brothers were sent away last January when they were convicted for their part in a robbery in which a man was stabbed. Stevie was charged with sniffing paint, damaging county property, robbery and attempted escape.

**The brothers, Billy and Bobby,** have not returned yet from the juvenile institutions where they were committed for an indeterminate sentence. For Stevie and Billy it was their first commitment, but Bobby was committed once before when he was 15 — for murder.

Bobby was small for his age when he stabbed the neighborhood bully with a butcher knife. He said four boys, led by the bully, jumped him outside the corner grocery store, threatening to force him to perform oral sex on them. He ran home crying, but slipped out the back door with the knife in his jeans while his parents were calling the police to report the attack.

His mother said when he returned, he told her calmly that he didn't have to worry about that boy any more.

**When Bobby went to court in January** for the more recent rob-

## Young felon avoids thinking of home and jail goes faster

bery/stabbing incident, his father told the court, "He ain't been right" since the killing. . . "He beats his head against the wall. . ."

After he was sent to Corrections for the murder, the facility sent the juvenile court an evaluation which said Bobby was "extremely sensitive to any kind of criticism. . . He may tend to let things build up to the 'exploding point' periodically and when this occurs, he may become aggressive, hostile and threatening."

Bobby requested to be put in the "Control Room on one occasion because he felt he could not control himself." It was less than six weeks after he returned from his commitment for murder that he was involved in the robbery/stabbing incident.

**From the facility** where he is now housed, the report says Bobby has "inflicted several wounds" upon himself.

Meanwhile at another juvenile facility, his 17-year-old brother, Billy, showed several cigarette burns on his arm, explaining "got burned there, playing a stupid game called 'chicker.' Shouldn't have played it. They can con me into anything, I guess."

He hid his face behind his shoulder-length, tallow-colored hair,

when he was asked why he doesn't call home to talk to his family when that is allowed, every two weeks.

He finally admitted, "It makes me want to go home faster. I really don't want to think about home while I'm here, so my time will go faster. . . If you think about home when you're here, your time will go slower."

**This is not the first time** the family was separated. Court records show Stevie's mother, Annie, abandoned her five oldest children when the youngest was two and the oldest was eight years old. They spent three years in foster care before custody was returned to the parents.

Custody was returned to the parents by the court in 1973 when the parents were reunited in Chicago, Ill. The social worker's report said they "have written to their children every week for over a year. They remember them on birthdays and holidays. . ."

However, when asked recently if the family had lived apart before, Annie said "no" except for one year when Bobby's father, Ned, moved away to allow her to collect welfare. The parents were separated when Bobby was charged.

**Unemployed for two years** from back trouble and surgery, Ned

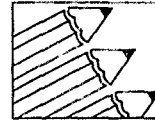
moved, enabling her to collect \$599 a month in welfare and food stamps to support the eight children who were living at home then. She explained, "we had to live."

Annie's childhood was no easier than those of her children. Herself from a family of 10, she was abandoned at an early age and spent a number of years as a ward of the state. Her brothers' and sisters' records bulge in this urban juvenile court.

Annie's youngest brother will soon be 19. The last psychological evaluation filed with the juvenile court said he "reportedly thinks of suicide everyday. . . He reported frequent homicidal thoughts, saying that he thinks about killing everybody but, 'I don't want to do it.'"

One of Annie's younger sisters was before the court many times for running away. She was put into the state mental hospital by her mother after "she chased some kids down the street threatening to kill them with a knife," according to court records.

Annie said her sister is now a "prostitute," and her court records say she ran away from the mental hospital in 1978. Her probation counselor reports, "Her whereabouts have been unknown since that time. . ."



"I'd get up in the morning, put my jeans on and get ready to fight. . .if somebody died, they died," he said.

Fat Rob, leader of the Empire gang, one of the largest gangs in the ghetto streets of Philadelphia in the 60's and 70's, talked about the 10 years he was a gang leader.

During his reign, The Philadelphia Inquirer called 1969 "The Year of the Gun," gang warfare had become so violent. From 1964 to 1974, 305 deaths were attributed to gang activity in that "City of Brotherly Love."

But according to recent figures, that number now is zero and, a number of people say it's because of the work of a woman called Sister Falaka Fattah — known as "Mom" to some 500 gang members in her neighborhood.

Draped in a long, traditional African dress, she talked to a journalists' seminar in Washington, D.C. about the accidental birth of the House of Imoja.

A widow trying to raise six sons in Philadelphia, she asked her fiancé, a former gang member, to research an article on gangs for an African nationalist newspaper she was publishing.

"He came home and dropped the bombshell," she said. One of her sons was a gang member.

"Nothing mattered then. . .except what to do," she said in a voice as smooth and gentle as her features. Since she was studying the effect of the extended family on the success of the African culture, she invited the gang members to live with her family in their four-room house.

"All we promised," she said, "was to help them stay alive and

out of jail."

Fifteen accepted, mattresses were spread on the floors, the gang members developed a list of house rules and Sister Fattah's fiancé, now husband, David Fattah, negotiated with the gangs to declare their house neutral territory.

Since that time, 1969, about 500 boys have lived in her home. The rules are still the same. For instance, if you come into the house high, she said, you have to do 50 push-ups.

"And if you've ever been high," she says, laughing often, with a sound that resounds pleasantly from her heavy body, "you know if you do that, it's pretty funny. . .If there is one thing these boys don't like, it's being laughed at."

Another rule, if the boys get caught with girls in their rooms, they are fined the price of a motel room. The work is split up, there is no physical punishment and until a few years ago, when they received their first government grant, all expenses were paid by combining income from all residents of the house or donations from local churches.

Not only has she housed the boys, feeding them three meals a day, but she also single-handedly organized and presided over the first-ever peace treaty conferences among gang members — thought to be the beginning of the end of the gang killings.

The House of Imoja has not stopped violence in the streets of Philadelphia but Sister Fattah's dedication and courage has made a difference.

Another woman concerned about violent teen-agers is Kay Lanasa. She is the director of the Martin Pollack Project which recently began helping chronic of-

## Centers can be a positive influence on teens

fenders in Anne Arundel County, Maryland.

Her program, funded by Martin Pollack's widow to help those youths who have "fallen through the cracks" of institutions, is based on absolute commitment ("We're going to be there, no matter what you do. . .") and teaching responsibility ("They will be held accountable").

She described an example of the accountability she demands from her "kids." One of the teen-age girls in the program was an arsonist. When they brought her into the program, she set fire to their group home.

After serving time for arson, she was required to rebuild the group home from the bottom up. Lanasa said until then she had some trouble with community acceptance ("It is a risk in the community. Our kids do break the law."), but "since almost everybody in the community had something of theirs or their family's burned down by her before. They looked at us and what we were doing and said 'Hey. . .'" Lanasa said proudly.

Lanasa's program is working with approximately 20 juveniles, "the bottom 2 percent of Maryland's kids," with 24-hour staff participation and daily family counseling and support. It is a program which is based on changing family dynamics because she says "no matter how horrible you think they are, they are still that kid's family."

Another fledgling program based on changing family dynamics in helping juvenile offenders is here in Knoxville. Nancy McCrary, the director of Oak Hill Center at St. Mary's Hospital, talks about the program she began to help troubled adolescents.

Her program, begun a year and three months ago, is a highly structured, out-patient program based on family participation and teaching teen-agers to deal with stress.

She says most of the 200 teen-agers who have been through her 12-week program were referred by the court, and approximately 10 percent of those were convicted of violent crime. She says "the vast majority" of the troubled children come from either alcoholic and abusive families.

A former teacher whose own father was an alcoholic, McCrary says a successful prognosis for helping violent teen-agers is dependent on changing the family environment. Sending the offender to a juvenile facility is based on the philosophy of "out of sight, out of mind," she says and "they're just going to come back and commit more crimes. . ."

Except in rare instances, the child should remain with the family to work out the problems, she says.

"Unless the kid is actually physically in danger," she says "that family is going to continue to be that kid's family whether they live with them or not. . .take the case of father abusing daughter sexually. We see that a lot. . .if you take the child away, dad's still got the problem. Daughter's still got the problem. Removing them stops it from happening for that period of time, but it does not change the relationship."

The abused child will defend the abusing parent "to the hilt," she said, because that is the only way he or she has received "positive support and affection and you'd better believe that I'm going to support that parent, I'll lie for him and

fight all the authorities for him because I need that more than I need food."

McCrary says the solution is to build up enough trust in family therapy so that the daughter can confront the father with "I know what you are doing to me, and I know it is wrong and I don't want you to do that to me anymore."

McCrary says that in a 12-week program you "don't solve the problem. You open it up." In the case of incestuous relationships, for example, once every family member stops "keeping it a secret. . .it makes it nearly impossible for it to happen again."

Once family dynamics are changed, she said, group pressure is going to be exerted if one member "tries to flip back."

Oak Hill Center is a private program. East Tennessee does not have any publicly-funded programs for the violent juvenile offender.

A number of the families of youths ordered to Oak Hill by the Knox County Juvenile Court cannot afford to pay. In those cases, McCrary says, Medicaid pays for 30 days, but after that, "if the kid needs two more weeks of treatment, I can't ethically send the kid home. We keep them. . .and write it off." For those cases, McCrary says she is looking into a scholarship program funded by donations from community groups.

She says, "My biggest frustration is with the community. I see a lot of money going to a lot of different things. . .but if we want a viable, workable, safe community 10 years from now, we had better put some money toward treating these teen-agers. . ."

## State's detention rate higher than most

*"It is the deprivation of liberty that causes us concern. The incarceration of a child deprives him or her of the happy pursuits and unforgettable joys of childhood's all too brief hour . . . All too often reform schools do not reform; rehabilitation centers do not rehabilitate; happiness does not seem to flourish in foster homes; and confinement seems to afford an opportunity to hone criminal technique. . ."*

*From a 1980 Tennessee Supreme Court decision.*

Tennessee locks up more of their children than the majority of states nationwide.

According to 1979 federal figures, only 10 states have higher short-term detention rates for juveniles and only 13 states commit more of their children to long-term corrections' facilities than Tennessee.

And the numbers do not correspond to high juvenile crime rates, according to a study prepared for the Hubert Humphrey Institute.

The study found after looking at the correlation between incarceration rates in different states and a number of variables — juvenile arrest rates, unemployment and available beds — that the single most powerful predictor of high detention was the availability of beds.

The statistical analysis done by Barry Krisberg and Ira Schwartz, two highly-regarded experts in the field of juvenile justice, also showed that although none of the variables explained high long-term commitment rates, that bed availability predicted high rates more often than the others.

Many states have increasing incarceration rates, according to the study, but the majority are reducing the numbers of confined juveniles, including Tennessee. Still in the top 15, Tennessee did reduce the number of juveniles in corrections facilities from 1974 to 1979 by 16.6 percent, to 1,633 or 262 per 100,000 youth population.

The annual cost per child for Tennessee's most secure facility, Taft Youth Center, was approximately \$18,700 in 1980 and that cost is increasing at an alarming rate. In 1979, the total cost for juvenile in-

stitutionalization in Tennessee was \$13.3 million.

Meanwhile, one state has deinstitutionalized almost all its children and later studies show that the predicted rise in violent crime has not taken place.

Ten years ago, all the reform schools in Massachusetts were closed down. The man credited with the effort, Jerome Miller, suggests that the money spent for incarceration buys "considerable supervision, rehabilitation, etc. . . in a variety of non-incarcerative settings . . . with less likelihood of making matters worse."



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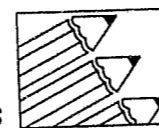
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*The Richmond News Leader*

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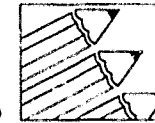
**Locks and Lessons: Virginia's  
Reform Schools**

*A Five-Part Series*



*By Andrew Petkofsky*

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When Frank B. Bishop III first saw the "hole" at Beaumont School for Boys, he thought the filthy children and teen-agers locked in its 15 cells looked more like animals than people.

That was in the 1960s, when Beaumont youths who misbehaved were paddled or whipped with belts, or locked in a basement called the hole for 30 days, Bishop said.

"It was sickening," he said. "There was no way you could control the abuses..."

Bishop, who began a career in Virginia's youth corrections system 22 years ago as a teacher at Beaumont, now is the chief administrator of Virginia's state-run reform schools for juvenile delinquents.

Beaumont and the other institutions changed in name from "training schools" to "learning centers" in the early 1970s, and with the name change came many changes in treatment and disciplinary practices.

Bishop speaks proudly of the dedicated staff and humane living conditions the Virginia Department of Corrections now provides for the 1,200 youths sent each year to one of the seven state learning centers.

But critics say that other, more subtle problems than physical abuse prevent large juvenile corrections institutions from fulfilling their dual role of rehabilitating young criminals and protecting law-abiding citizens.

"I think they just have the worst setting to work in that you can design," the Rev. George F. Ricketts said. "If you want to help the kids they've just picked the toughest setting."

Mr. Ricketts, executive director of the Chaplain Service of the Churches

## Reform schools' value debated

of Virginia, is the boss of the clergymen who work as chaplains in Virginia's learning centers. He is also a longtime member of the Virginia State Crime Commission.

The Richmond News Leader examined the learning center system during the past three months. Visits to all seven centers, library research and interviews with employees, inmates, graduates, judges, lawyers, scholars and other experts revealed that serious questions remain about Virginia's reform schools as institutions of humane treatment and rehabilitation.

Among them:

• Do the juveniles in the learning centers really belong in reform school?

State corrections philosophy holds that delinquents should be placed in the learning centers only if they can't be dealt with in their own communities.

But critics argue that incarcerated juveniles differ little, in many cases, from juvenile delinquents placed on probation or in the community corrections programs that already exist.

The critics often point out that many juveniles in correctional institutions were placed there for violating the terms of probation rather than because they pose a threat to public safety.

Even Bill Schoof, superintendent of

the corrections department's Reception and Diagnostic Center, which evaluates juveniles committed to state custody and decides where to place them, estimates that 15 percent of the young people in the learning centers belong somewhere else.

• Do the treatment programs in the learning centers foster real changes in young criminals or simply teach them to stay out of trouble in the institutions?

Treatment for most of the juveniles centers on behavior control or "behavior management" programs designed to teach by rewarding desirable behavior and punishing undesirable behavior.

Much of the time, the behavior programs are intended only as a preparation for other treatment, such as counseling and psychotherapy. But Rose A. Herr, a former chaplain at Hanover Learning Center, argues, "So much time is spent getting control that the treatment of other problems never comes up." She is not alone in her opinion.

• Does life in the learning centers harm, rather than help, the inmates?

Just as in prisons, inmates of juvenile institutions live under constant observation and in the constant company of one group of peers. Critics say they teach each other crime techniques and often suffer from supervi-

### About the Author

ANDREW PETKOFSKY has been a staff reporter for *The Richmond News Leader* since 1979 covering the state's criminal justice system; prior to 1979 he covered the city police beat. He has worked as a reporter in Rochester, New York and Westchester, Pennsylvania, in addition to doing a stint as a disc jockey.

Petkofsky, a magna cum laude graduate from the University of Pittsburgh (B.A. in Communications), has received numerous awards for his reporting including a first place in the 1980 Virginia Press Association competition.

Petkofsky's research for this series took him to each of Virginia's seven reform schools for juveniles.

sion by adults whose first — and sometimes only — priority is keeping order.

• Can the learning centers rehabilitate juvenile delinquents and protect society at the same time?

Juveniles are sent to the learning centers on indeterminate sentences whose lengths are governed, in theory, by the inmates' progress through treatment programs. State corrections officials have struggled for 10 years with the criticism that juveniles who committed serious crimes and are still dangerous have been sent home too soon.

They also have received the opposite criticism that juveniles who have committed minor crimes sometimes are kept in the centers far too long.

"It is dubious to think that the institutional environment could be the best application of treatment philosophy of the juvenile justice system; nor does it seem . . . that the forced association of adjudicated delinquents under restrictive supervision of an institution would be the best form of community protection in the long run," said a 1981 report about juvenile delinquency prepared for the U.S. Department of Justice.

"The constant issue of how much harm is caused by institutionalizing the delinquent is really only rhetorical," the report continued. "Both sides of the issue accept that harm is unavoidable. The only contest is how much of it is unnecessary."

To some extent, state lawmakers and juvenile justice officials support this view.

By the late 1960s, Virginia corrections officials set out to reduce the population of juveniles sent to the learning centers and increase the number of delinquents placed in com-

munity corrections programs.

A network of group homes, private schools, court-supervised probation and public service programs grew.

Partly as a result, the state's training school population dropped from about 1,400 in the early 1960s to 700 to 900 by the early 1970s.

Officials hoped for a further decline in the learning center populations when the juvenile crime rate, which had increased steadily for half a decade, leveled off in the mid-1970s. About the same time, Virginia adopted laws prohibiting the imprisonment of certain types of juvenile offenders.

Nonetheless, the learning center population stopped shrinking and has remained nearly constant since at least 1977.

Officials most often lay the blame on a tendency of law enforcement officials to use community programs for youths who otherwise might be sent home with a scolding or given probation.

Meanwhile, the learning center system flourishes.

Virginia has spent millions in recent years to renovate old buildings and erect new ones. A new learning center for aggressive delinquents who are mentally retarded opened last spring.

And, although debate about the centers' usefulness continues, no one doubts the institutions will continue to play a large role in the juvenile justice system.

## Toughest compound is also most remote

Appalachian Learning Center comes at the beginning of guidebooks to Virginia's reform school system, but it's really the end of the line.

"You drive up to the gate and you say, 'Lord, what have I done to get here,'" said Preston T. Buchanan, the superintendent. "We are the Mecklenburg of the juvenile system."

The comparison is apt. Just as Mecklenburg Correctional Center is reserved for the toughest adult prisoners in the state, Appalachian is for the juvenile delinquents who have committed particularly serious crimes or failed to behave in less secure reform schools.

It looks like what it is.

Appalachian sits on a side road on a hilltop between the towns of Lebanon and Honaker in Southwestern Virginia's Russell County. Just before blacktop surface turns to gravel and drops sharply toward the Clinch River, the high barbed wire-topped fence comes into view.

The reform school used to be an adult prison camp, and the bars and gates remain. Appalachian is small by Virginia reform school standards, with 40 to 50 youths all housed in dormitories or single rooms in the old brick prison building. A cafeteria is on the same floor as the dorms, and a small library and infirmary are downstairs.

The cells once used for solitary confinement of adults still get used to isolate troublemakers among the in-

mates, who range in age from 14 to 18. Some of the cells have been brightened with new paint and toilet fixtures since Appalachian became a reform school in 1967.

There is a frame administration building in front of the dormitories, a row of industrial shops behind them and a recently built gym at the rear of the fenced compound.

The entire compound is dwarfed by surrounding rock-spiked hilltops and high meadows.

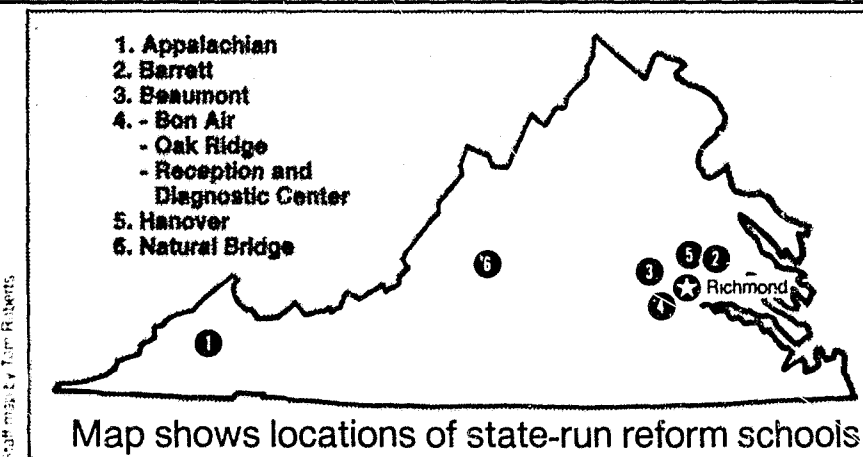
"That's a different world," one corrections department official in Richmond said when describing Appalachian.

Indeed, the toughest reform school is also the most remote. Except for Natural Bridge Learning Center in Rockbridge County, the other six reform schools and the Reception and Diagnostic Center are clustered in the central Virginia counties surrounding Richmond.

And, in appearance, the unfenced institutions more resemble boarding schools or summer camps than prisons.

Like Appalachian, each of the other learning centers is meant for a certain category of delinquent. Age and sex are the main qualities that determine who goes where, but other factors like education and treatment needs and physical size also affect placement decisions.

Frank B. Bishop III, the top administrator of the learning center sys-



tem, said officials would like treatment to become more important, but overcrowding in the entire system frequently cuts down the placement options.

He said the department tries to limit the populations at Appalachian, Natural Bridge and Oak Ridge learning centers, which have less room and highly specialized programs. But youths kept out of those centers add to overcrowding at Beaumont, Hanover, Bon Air and Barrett learning centers.

Here, briefly, are descriptions of each of the institutions:

• **Natural Bridge Learning Center** is a former forestry camp of frame and cement block buildings that nestles along a back road in a cleared area of Jefferson National Forest. Two long dormitory buildings house about 30 inmates each and a handful of smaller buildings hold the dining hall, administration and other offices, a gymnasium, vocational shops and classrooms.

Sports fields stretch back from the buildings to the forest edge, where

eight youths in a special program live in a log cabin.

Natural Bridge gets the best-behaved male inmates in the reform school system, and frequent roll-calls take the place of locked doors.

"We're open here," one 15-year-old inmate said. "Everybody's just about free."

• **Beaumont Learning Center** is the largest reform school in Virginia. It has a budgeted population of 200 males between 16½ and 18, but the population is usually higher by at least 15 or 20 inmates.

Beaumont straddles the crest of a rolling hilltop overlooking the James River about 25 miles west of Richmond in Powhatan County. Its approximately 30 buildings, some of them built in the 1800s, are in various stages of renovation. The campus has acres of well-kept lawn.

Most of Beaumont's inmates are allowed to walk to meals and classes. But some of them live under strict guard in a cottage where meals, classes and recreation all take place within the cottage or fenced yard.

The campus boasts a separate school building with one wing of classrooms and another wing of vocational shops. Hanover, Barrett and Bon Air learning centers also have separate school buildings.

• **Hanover Learning Center** was built in 1897 as a reform school for blacks. It was segregated and kept its inmates occupied doing farm work until 1964.

The campus, about 15 miles north of Richmond in Hanover County, now has a modern dining hall and swimming pool alongside the old buildings that surround a central park area. Many of the buildings have been renovated in recent years, but others are shabby.

Like Beaumont, Hanover has one heavily locked building for its most troublesome inmates. It also has a special cottage for mildly retarded youths.

Farmland adjacent to the campus is worked by adult inmates of a nearby prison camp, but officials say the adults have no contact with the learning center inmates.

Hanover has a budgeted capacity of 110 inmates, all males, but on a recent day 150 inmates actually were there. The inmates mostly are 15 or 16 years old, slightly younger than those at Beaumont.

• **Barrett Learning Center**, a mile or so south of Hanover, gets the youngest male delinquents. It has about 90 inmates housed in cottages around an open park area. The school has a gymnasium, and inmates are taken to swim at Hanover Learning Center in the summer.

• **Bon Air Learning Center**, **Oak Ridge Learning Center** and the **Reception and Diagnostic Center** are

near each other on a large piece of land just outside Richmond in the Bon Air section of Chesterfield County.

Bon Air has been a girls' reform school since 1906. It now has a budgeted population of 135 girls, ages 11 to 18, but the population is usually a bit higher. There were 153 girls at Bon Air on a recent day.

The Bon Air campus has many buildings, including a central infirmary that provides examinations to all the delinquents at the reception and diagnostic center. The infirmary also serves as a central medical facility for all the learning centers in the Richmond area.

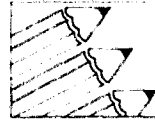
Bon Air has cottages for girls with serious emotional problems and those who behave violently.

Across some fields and woods from Bon Air is Oak Ridge Learning Center, a one-building institution that opened this summer.

Oak Ridge is co-educational and will have 40 inmates who have relatively low intelligence and serious learning and behavior problems. Oak Ridge is not yet operating at full capacity.

The Reception and Diagnostic Center is a cluster of relatively modern buildings where psychologists, teachers and counselors evaluate all the male and female juveniles sent to the custody of the Virginia Department of Corrections. The team of evaluators decides where to send each youth.

About 110 youths at a time live at the reception and diagnostic center for approximately four weeks each. About 85 percent of them get sent to one of the seven learning centers.



As a youngster, Bill would jump on moving trains, steal bicycles and break into houses. He didn't consider himself a criminal.

"Those were just the things we did in my neighborhood for fun," he explained.

Often, he said, a group of friends would break into a house, eat large bowls of cereal, watch television as long as they dared and then slip out before the owner returned.

His father, with whom he lived, and his mother, who lived in another state but visited occasionally, threatened to have him sent to reform school if he didn't behave. But the prospect didn't worry their adventuresome son.

"It was something I hadn't explored yet, so I was game to try it," said Bill, whose even features, blue eyes and shoulder-length blond hair make him look younger than his 19 years.

Bill was 12 when his parents carried out their threat. He spent most of the next four years in the state-run reform schools that Virginia calls "learning centers."

Now he is serving time in a state prison for assault with a deadly weapon.

#### ALUMNI IN PRISON

Bill may not be typical in all ways of the children in the reform schools, but he isn't unique either. Nearly a third of the 9,000 adult prisoners in Virginia are state reform school graduates.

Like Bill, many youths locked in the reform schools come from broken families and had poor supervision as children. They often have skipped many days of school and have dropped far behind their classmates.

Judge Willard H. Douglas Jr. of

## Inmates are varied group

### Crimes can range from murder to swearing

Richmond Juvenile and Domestic Relations District Court said the youths he sends to the corrections department are the "difficult ones."

They often share a cocky adventurousness or belligerence and a premature wisdom about the ways of the street.

They also share a resistance to changing as a result of scoldings, counseling, probation or any of several other ways juvenile court judges try to cure juvenile delinquents of their unlawful ways.

Where the reform school inmates differ widely is in the amount of crime they have committed. Some of the youths have raped or robbed. Some have cursed or shoplifted. A quarter of them merely have violated probation.

William G. Schoof, superintendent of the Reception and Diagnostic Center in Chesterfield County, where the corrections department evaluates juvenile delinquents committed to the state's custody, said he feels that "maybe 15 percent" of the youths placed in the learning centers don't belong in reform school.

State law reserves the learning centers for juveniles between 11 and 20 years old whose freedom would endanger their community and those who can't be placed on probation or given some sort of sanction in their community.

Judges decide who fits those criteria.

#### COMMUNITIES DIFFER

According to Schoof, each juvenile court sends the state different sorts of youths depending on the nature of the community and what sort of local programs, such as probation and court-ordered community service work, exist in the area.

Judges in rural areas, for instance, commit a higher percentage of the youths they see in court because they have few local programs beyond probation.

In more-urban areas, such as Fairfax County in Northern Virginia, juvenile judges have so many alternatives to reform school that they seem to commit only "cutters and slashers" — bona fide criminals — to the corrections department, Schoof said.

"They had arsons on down," said one 16-year-old who spent time in Hanover Learning Center for marijuana possession. "Everybody had different cases. Some were too wild to believe."

Only about 2 percent of all juveniles brought before Virginia's juvenile courts on criminal complaints are sent to the learning centers. In fiscal 1980, that number was about 1,250, according to the Virginia Department of Criminal Justice Services.

The population of the learning centers has hovered between 700 and 900 since at least 1977.

According to the corrections department, the learning centers' popu-

lation in fiscal 1981 was 58 percent white and 42 percent black. Females accounted for 13.9 percent of the inmates.

Most youngsters are committed for burglary and other crimes against property, but some are committed for crimes as serious as murder and as minor as cursing.

The corrections department reported that, in fiscal 1981, 35.8 percent of the commitments were for breaking and entering.

In a breakdown of general offense categories, the department reported that offenses against persons accounted for 14.2 percent of the commitments, and offenses against property accounted for 52.4 percent.

Other categories in the report were: offenses against morality, decency and peace, 4.5 percent; offenses against public justice and decency (including obstructing a police officer), 1.3 percent; traffic and vehicle offenses, .05 percent; alcohol and drug offenses, 2.1 percent; and miscellaneous offenses, 25 percent.

A corrections department spokesman said the miscellaneous category is made up almost entirely of youths committed for violating probation.

The fact that a quarter of the learning center inmates in Virginia have been placed there for violating probation has led to much criticism of the juvenile justice system.

#### LITTLE DIFFERENCE

In a 1981 report about juvenile offenders, the National Institute for Juvenile Justice and Delinquency Prevention said, "The characteristics of juvenile offenders who have been placed on probation are not often enough different than those institutionalized."

Officials in Virginia and other states have tried to cut down the number of improper placements but with questionable success.

In 1977, the Virginia General Assembly joined in a national trend encouraged by the U.S. Department of Justice and made it illegal for judges to commit youths to the corrections department who had been found guilty of "status offenses."

Until then, the status offenses, or laws that can be broken only by juveniles — running away from home, truancy, being out after curfew, etc. — could be punished as severely as any other crime.

Juvenile justice critics long had complained that runaways should not be placed in the same institutions and given the same treatment as youths who had exhibited serious criminal behavior.

When Virginia changed its law to ban imprisonment of status offenders for periods longer than 72 hours, corrections officials predicted the learning center population would shrink dramatically.

It didn't.

Instead, as commitments for status



Staff photo by Clement Britt

**BOYS CONFINED TO HANOVER LEARNING CENTER PLAY IN FIELD NEAR DORMITORIES**  
A variety of youths are sent to the centers, depending on the community and local programs available

offenses dropped off, commitments for other crimes increased.

The corrections department said in a 1980 report that a possible explanation is that juvenile courts were finding criminal charges for youths who might have been charged as status offenders before the law changed.

Today, few people dispute that explanation for what has come to be called "relabeling."

#### OPTIONS ARE FEW

W. Raymond Minnix, a juvenile judge in rural Bedford and Campbell counties, reflects the sentiments of many of his colleagues when he complains that laws give him too few options in dealing with status offenders and too little power to see that his orders are followed.

Thus, he and other judges acknowledge, he might find a child "not innocent" of a delinquent act rather than a status offense in cases where he has a choice.

"If you have to define a kid to be a juvenile delinquent in order to get him treatment services, that's a pretty sad commentary," said Robert E. Shepherd Jr., a law professor who has represented children in juvenile court and who also represented the reform school system for four years as an assistant attorney general.

"A lot of those kids, in my judgment, don't belong in a correctional setting."

#### LITTLE TREATMENT

The learning centers offer some treatment programs for emotional and learning problems, but officials say they can accommodate only a small portion of the youths who need them.

"A child should never be committed (to the reform schools) for purposes of rehabilitation," said Peter W.D. Wright, once a learning center employee and now a lawyer who often works to keep his juvenile clients out of reform schools.

"I will always fight a commitment if one of the thoughts behind it is for the purpose of rehabilitation," Wright

said. "There are far better resources in the community."

Wright said children who need treatment, but not a corrections setting, often are brought to juvenile court by their parents on such status offenses as being out of parental control or running away.

In such cases, a court intake worker may tell the parent the judge can't

exercise much control without a criminal charge. A parent convinced of this might then file a criminal petition charging the child with theft for taking a few dollars from a purse when the child ran away from home.

#### SYMPATHY CITED

Patrick B. Bell, a juvenile court prosecutor in Richmond, said she feels that mislabeling of a different

## Parents filed charges

Charles and Paul became juvenile delinquents in order to get help their parents couldn't afford.

"These aren't bad kids," their mother said one Sunday as she and her husband visited Charles in Hanover Learning Center. "These are kids with bad problems that need more help than we can give them. . . . We had to press charges against them to get the service they need."

The boys, close in age and just entering their teens now, were diagnosed years ago as being hyperactive, their mother said.

A doctor prescribed a drug to help calm them, but neither boy could adjust to classes in the public schools of their rural community near Roanoke.

Their parents, Mr. and Mrs. Reynolds (not their real name), placed them in a church-run boarding school, but the boys had to be taken out when school officials stopped the medication and the boys became uncontrollably wild.

Charles had put his arm through a glass door panel at the school while chasing a girl who teased him, Mrs. Reynolds said.

When the boys came home and

went back to public school, the Reynolds' problems grew.

"I would drop them off (at school) in the morning. By the time I got home seven miles away, I'd get a call to pick up one or the other," Mrs. Reynolds said. The boys would have fits of giggling in class and fight other children at slight provocation, she said.

Mr. Reynolds, 50, suffers from a chronic debilitating disease and lives on a disability pension, and Mrs. Reynolds, 48, suffers back problems. They didn't have the strength to control their children.

The Reynolds searched for private schools, but they found they would have to pay tuition of \$20,000 to \$40,000 a year for each boy, Mrs. Reynolds said.

At one expensive school, an administrator advised them to seek help through the local juvenile court.

"We went into court for children in need of services, but they said, 'We cannot help you in any way unless you come up with some charges.'"

"Children in need of services" is a designation given to juveniles in Vir-

ginia who have committed so-called status offenses, or crimes — like being beyond parental control — that only minors can commit.

When the Reynolds boys became children in need of services, the family was assigned a probation officer. Mrs. Reynolds said workers from other social service agencies also became involved, and everyone told her to charge her sons with some crime in order to get help.

One day when the probation officer was visiting, the boys got into a row. Charles was chasing Paul with a letter opener, and Paul was holding some sort of small knife.

"That's how they decided on the charge," Mrs. Reynolds said.

Both boys were tried and found not innocent of assault and other offenses.

The judge in the case said he upheld criminal charges against the boys partly so he could take them out of their parents' home and send them to the corrections department's Reception and Diagnostic Center for tests.

Judges may order certain tests and treatment for children in need of services, or CHINS, but they don't have



**CONTINUED**

**2 OF 3**

kind happened before the change in the status offender laws. She said judges sent the corrections department delinquent youths under status offense charges out of sympathy.

"What we were doing was branding criminals as status offenders. Now we're calling them what they are," she said. She stressed that many youths sent to the learning centers

from Richmond would be dangerous if they were allowed to keep their freedom.

Mrs. Bell's assessment would make at least some reform school inmates feel proud.

One 17-year-old being evaluated at the Reception and Diagnostic Center said he had been committed for breaking probation that he was

placed on for destroying private property, petty theft and assault while a member of several gangs in Tidewater.

"They were afraid I was going to hurt somebody if they let me out on the street," the thin, crew-cut youth said.

Would he?

He answered without hesitation:

"I would."

## *to get assistance for their sons*

as much discretion for placing those children in programs as they do with delinquents.

"Any way you look on a CHINS petition, it is a big problem," the judge said.

He said the boys could have been placed in a private school directly from the court, but they would have had to remain at home during a sometime lengthy application process. With the delinquent charge, the boys could be placed in the custody of the corrections department while they waited.

The judge said his decision was influenced by the father's infirmity and both parents' repeated denials that they could control the boys.

### **'CHARGES WELL-TAKEN'**

"There's hardly anything the court can do but listen to that," the judge continued. "I think the charges against the boys by the parents were well-taken, and I think the boys were certainly treated as well as they could be within the system."

After a month of evaluation at the

Reception and Diagnostic Center, the boys were sent to learning centers in the Richmond area to await space in the special schools. Both were told they could expect to be in the learning center for a month or two.

Corrections officials said 20 to 25 youths usually are in the learning centers at any time while waiting for acceptance into the private placements prescribed at the diagnostic center.

Frank B. Bishop III, the top administrator of the learning center system, said the delays usually take place as officials decide how to pay for the placement — private insurance money is used, as well as state funds — and persuade the private institution to accept the youth.

"It's kind of a drawn-out process to get him in," Bishop said.

### **LIFE PLEASANT ENOUGH**

Charles, a chubby, articulate boy, said he felt his parents didn't love him any more when he first was sent to the locked and regimented environment of the reception and diagnostic center.

Wearing a Pac-Man T-shirt and puffing on, but not inhaling, a cigarette as he sat with his parents at a picnic table on the Hanover Learning Center campus, Charles said he finds life in the institution pleasant enough.

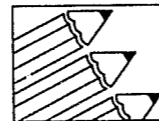
Some of Charles' clothes were stolen from a bag in the center's gymnasium the day he arrived at Hanover, and he said he had some trouble accepting that they're gone for good.

### **MOST BOAST OF CRIMES**

He said most of his cottage-mates boast of criminal exploits, drinking and taking drugs, but he has found out that three of the approximately 30 boys in his cottage are also waiting for special placement. He said he looks forward to moving on to the private school.

Before they left to visit Paul at nearby Barrett Learning Center, the Reynolds said that charging their children as criminals was unpleasant but necessary.

Said Mrs. Reynolds: "I feel like they're going to get the help they need and the education that they need."



Fred's mood was blacker than his discolored, swollen eye.

"Here I am, supposed to be going home soon. And I got written up over something that should have been looked into," he fumed as he picked at his lunch in the dull green cafeteria of Appalachian Learning Center. "It shouldn't have happened."

The fight took place the day before, but it had been building for some time.

Fred, 17, had been in Appalachian more than 13 months when he finally earned enough privileges through good behavior and diligent school-work to leave the fenced compound during the day and work in a park in nearby Lebanon in Russell County.

About the time Fred got his job, another young inmate named Sonny began picking a fight. He said he was angry because Fred had borrowed a pair of his sneakers three months before and gotten them dirty.

Every time Sonny taunted him, Fred walked away. The staff stayed out of it.

Then, one day, Fred was walking down the stairs from the dormitories to the showers. Sonny came down behind him with his mouth going. More inmates came down behind him.

In a moment, Fred and Sonny were going toe to toe in the showers.

Staff members stopped the scrap before much physical damage was done, but they docked both youths valuable hours in the system of increasing privileges that helps determine when inmates are ready to leave Appalachian.

Now Fred wondered aloud why no staff members had intervened during the days a fight obviously was brewing. And he worried that his "write-

up" would lengthen his stay in Virginia's toughest reform school.

"Boosting" is the name that staff and inmates of Virginia's learning centers for juvenile delinquents give to what happened between Fred and Sonny.

"You know about boosting?" a teenager sitting with Fred in the cafeteria asked. "That's setting a man back."

Life inside a reform school has a quality all its own. Fighting and discipline are only part of it. The inmates eat, sleep, study and play with the same people day after day, and they are under relentless observation by adults. They are told what to do and they do it — or else.

Loss of privileges, extra work details, or isolation in locked rooms or cells await those who disobey.

Adult supervisors work hard to keep order, and their relationship with the inmates often centers on enforcing strict rules of conduct, especially when one adult may be responsible for up to 30 inmates.

That is the case especially in the cottages and dormitories where the inmates' activities are less structured than in classes or at meals.

"It's just a very crowded area that just doesn't allow the students to have personal problems or issues very easily," said Nancy L. Stone, the psychologist at Natural Bridge Learning Center, one of the state's seven reform schools. All the reform schools are called learning centers.

Fred said that when he first arrived at Appalachian, which takes the toughest delinquents and keeps them longest (13 months on average) and under the strictest security, other inmates stole his clothes and harassed him constantly.

## Reform school life:

"I couldn't get along with them unless they wanted something from my locker," he said. Finally, on the advice of a staff member, he said, he gained acceptance of the other inmates by getting into a fight.

### FIGHTS NECESSARY?

Rose A. Herr, a former chaplain at Hanover Learning Center, said inmates frequently face situations in which they must fight or disobey institutional rules just to keep their peers from making their lives miserable.

She said she has advised youths who were being pressured to fight that "you may stay a little longer (as punishment for breaking the rules), but it might be more pleasant."

All the learning centers permit inmates who have reached a certain level of privilege to go on off-campus field trips to movies, sporting events and recreational establishments such as bowling alleys or skating rinks.

They also permit inmates nearing the end of their stays to visit home or relatives for weekends and longer periods.

On the campus, life for youths in most of the learning centers consists of attending school on weekday mornings, with academic classes half the day and vocational, or "pre-vocational," shop classes the other half.

When school lets out about 2:30 p.m., inmates may play games or watch television in their cottages until bedtime with breaks for an hour or so of outdoor recreation, dinner, work details and, for some inmates, coun-

seling or other forms of special treatment.

Cardwell Cottage at Hanover Learning Center is a big brick building with an open dormitory, one room for playing pool and other games and another room for watching television.

### MUSIC HEARD

On a recent afternoon, the 27 teenage residents spent the three hours after school in the sunlit game room playing billiards and spades, listening to funk music blare from a radio or sitting and talking in clusters of bright plastic chairs.

A few boys lounged in twos and threes on small pieces of carpet beneath the game tables, and a few others were stretched out for naps on the tile floor.

Two days later, the scene was the same.

"It's the same every day — boring," said a thin, short 16-year-old whose hand was in a cast decorated with the legends "LSD," "party on forever" and "toke." He said the routine varies a little because, on alternating days, the radio is tuned to a funk station preferred by the black youths and a hard rock station preferred by the white ones.

The youth said he hurt his hand by beating the head of someone who had snitched to the staff about something he had done. Superintendent James H. Ball later verified the story.

Peaks of excitement during the afternoon in Cardwell Cottage came when the lone adult supervisor, John "Trapper" Setelin, a former prison

## rules, surveillance



Staff photo

**THIS DORMITORY IS PART OF THE RECEPTION AND DIAGNOSTIC CENTER IN BON AIR**  
Sleeping quarters vary from learning center to learning center and even within one institution

guard with a military background, called smoke breaks.

Hanover recently had begun allowing inmates to smoke cigarettes if their parents permitted. But, at the time of this visit, the packs were kept in a locker and doled out cigarette by cigarette and lit by the adult supervisor. A few days later, inmates began carrying their own cigarettes but not matches.

During the afternoon, Setelin periodically gave inmates permission to use the restroom in the corner of the game room. He also wrote out a few categories for inmates who got rambunctious or into arguments.

"Category" is the inmates' name for a citation handed to the students by staff members for violations of rules from the "Youth Code of Conduct," used as a discipline code in all

the learning centers. The violations are in three categories that carry different punishments.

Punishments are mainly temporary loss of privileges, but a serious infraction, or "category three," can lead to 72 hours in an isolation room. The isolation rooms are cells, empty bedrooms, or bathrooms, depending on the learning center.

Staff also can place inmates in iso-

lation rooms for brief periods without writing a category. This is considered treatment rather than discipline and is called "personal control" in Cardwell Cottage.

At one point in the afternoon, the youth who had been beaten for snitching came over to Setelin's table near the door and complained that someone was picking on him. Although 17 and older than most inmates in the cottage, the youth was also the shortest and most childish-looking.

Setelin told the inmate — always called by his last name, McAdoo — to stop being so sensitive about little slights.

"One day a staff is going to get deaf on you," he warned.

### **CALLED A LIAR**

Other inmates frequently snapped at McAdoo and called him a liar and a snitch. McAdoo took the criticisms without any response.

One of the youths, a 16-year-old with near-shoulder-length hair and the words "Stone Head" stenciled on his T-shirt, complained to a visitor that he didn't like most of the other residents in the cottage. He pointed out one newcomer he considered weird because he smoked cigarettes but didn't inhale them.

Harold, who stayed in Cardwell Cottage for six months before he was released from Hanover last May, said he, too, found it hard to get along with his cottage mates.

"My honest opinion, I didn't feel open with no one. I didn't trust them," he said. "They try to be your friend and they try to steal something the next minute."



Staff photo by Clement Britt

**JAMES BAYLOR TALKS  
WHILE JOHN SETELIN LISTENS**  
They are cottage staff members  
at Hanover Learning Center

Staff and inmates said theft of clothes and personal possessions is commonplace in most of the learning centers. On two occasions during recent visits to Hanover by a reporter, staff members had to help inmates come to grips with the probability that clothing that had been stolen from them would not be recovered.

One youth said he knew who stole several pair of his pants on his first day in the institution, but a rumor had it that the thief simply had destroyed the garments to avoid getting caught.

Harold said he had been able to free himself from the constant togetherness of the cottage life by earning enough privileges for good behavior to get a job cleaning the administration building at Hanover. There, he said, he could work unsupervised and even manage to smoke an occasional cigarette. At the time, Hanover inmates were not allowed to smoke.

#### **RULES OFTEN BROKEN**

Inmates in the learning centers live under so many rules that breaking them is almost a way of life.

In Cardwell Cottage, youths who didn't have permission to smoke or who had had their smoking privileges temporarily revoked took furtive drags off others' cigarettes when Setelin wasn't looking.

Inmates said some of them had invented a way to get high by spraying deodorant or smearing toothpaste on a cigarette.

A girl who had spent a year in Bon Air Learning Center said she and a friend once stole glue from an art class and sniffed it with some other friends in their cottage.

In his office in the remote moun-

tain-top compound of Appalachian Learning Center, Superintendent Preston T. Buchanan took from his desk drawer a clanking assortment of "shanks," or homemade knives, metal knuckle guards and other weapons confiscated from inmates who had made them in welding shop.

Besides breaking rules, a popular activity of some learning center inmates is boasting of crimes they've committed.

Wesley, who was released from Natural Bridge Learning Center in May, said inmates would compare notes on how to break into cars or houses.

"One boy up there, he could pick just about any lock they had up there with a bobby pin. He would pick the locks in the gym," Wesley said.

Like several other learning center graduates interviewed by The News Leader, Wesley said he thought a youth who made an effort to follow the rules and was serious about learning could benefit from the experience. Inmates at Natural Bridge, especially, talked proudly of the skills they had acquired and the things they had made in shop classes.

Lonnie, another Natural Bridge graduate, said he got better food and recreational opportunities at the learning center than he had at home.

"I don't see a day when you've got to go bored," he said. "If you got a radio. You're either in the gym playing ball or in the cottage playing cards. . . . If there was girls up there, it would be fun."

Although Natural Bridge Learning Center may become co-educational before the end of the year, the learning centers at present (except for the

newly opened Oak Ridge Learning Center and the Reception and Diagnostic Center in Chesterfield County, where youngsters spend a month being evaluated when they're committed to the corrections department) are segregated by sex.

#### **SOCIALS OFFERED**

Girls from Bon Air Learning Center have socials with boys from most of the institutions, but day-to-day life is segregated.

Corrections officials and staff in most of the institutions say some homosexual experimentation is inevitable among adolescents without other sexual outlets.

The staff at Appalachian Learning Center, the remotest outpost of the learning center system and also the institution that holds youths the longest, was frank about the problem.

Buchanan, the superintendent, said inmates are caught periodically in various sorts of sexual involvement.

Most often, he said, a stronger youth will force a weaker one to perform some sexual act.

"I don't think it's a matter of sexual relief in these cases. I think it's a matter of intimidation and supremacy."

Henry K. DeLoatche, the psychologist at Appalachian, later said the inmates who do the intimidating are not looked on by others as homosexuals. Other youths look down only on the inmate forced to submit, he said.

Several inmates freely admitted they find sexual release through masturbation, often in groups.

Because Appalachian is so remote, girls from Bon Air are never sent there for socials.

At Hanover Learning Center, most

of the residents of Cardwell Cottage were in a joking mood after John Setelin told them he would let them take their showers quickly so they could get back upstairs in time to watch a horror movie on television before bed.

As groups of 10 went down the hall to the shower room, the other youths sat in the dormitory, where each had a bed, a locker for possessions and a section of wall decorated with drawings, rock group posters and homemade collages.

Sleeping quarters vary from learning center to learning center, and

even within one institution. Open dormitories gradually are being replaced in most institutions with private rooms that hold one or several youngsters. The rooms give each youth a little privacy and permit easier supervision and security.

In Cardwell, Setelin hovered in the hallway between the shower and the dormitory so he could keep an eye on everyone.

When he looked into the dorm and saw two boys pretending to fistfight, he awarded them each a category one citation.

"We weren't serious or nothing,

Trap," one boy complained.

"If you were serious, I would have given you a category two," Setelin responded gently.

"Aw," the boy said with a groan.

"Deal with it now," Setelin added as the boy moped back to his area and picked up his towel. "Show me how big you are and deal with it."

"I can deal with it, Trapper," the boy said.

"I know you can," Setelin said, and walked the boy to the showers.

Setelin, who, like many other cottage supervisors in the learning centers describes himself as a father fig-

ure to the inmates, said he wasn't certain what effect learning center life had on them.

He said he fears there is some truth to what he described as the "crab theory," in which one or another of a dozen crabs in a basket will reach out and pull down any of their number that tries to climb over the side and escape.

"You're in the crab theory right here," Setelin said. "You could have 27 good ones. The bad one will pull them down."

## Many supervisors report they lack training

"If you're wrong, you get burnt. If you're right, you've got no problems."

James Baylor says the "kids" in his cottage at Hanover Learning Center for juvenile delinquents obey him because they know exactly how he'll react to anything they do.

"Me and the kids, we communicate together real well," he said one Sunday afternoon. He kept watch, as he talked, over 26 teen-age boys playing cards, reading, or watching television in the cottage's day room.

Of all the adults working in Virginia's state reform school system — counselors, teachers, psychologists therapists among them — the lay supervisors who work in the cottages have the most contact with the young inmates.

Baylor and the other members of the cottage staff at Hanover and Virginia's six other reform schools wake the youths in the morning, supervise their work and relaxation, deal with their fights and problems and put them to bed at night.

It's tough work.

The Virginia Department of Corrections requires the supervisors to train for the job at the department's staff academy before starting work and to take about 40 hours' additional training each year.

But many supervisors working in the reform schools told The Richmond News Leader they never took their basic training because they were needed in the cottages as soon

as they were hired. Some said they went years between classes because schedules were too tight to spare them.

Frank B. Bishop III, the top administrator in the reform school system, said the rules requiring training have been enforced more strictly this year than in the past, and the basic training courses have been rewritten and lengthened from one week to two weeks.

Wendell Fitz, 29, has been a supervisor at Natural Bridge Learning Center for seven years. His initial training consisted of working one midnight shift with another supervi-

sor, he said. The next night he was on his own.

Fitz said he finally got time to take the basic training course last year.

Baylor, who is a veteran supervisor and a cottage manager at Hanover Learning Center, said he has had formal training in supervising youths and restraining them when they "snap out." He also took courses about drug and alcohol abuse by adolescents, he said.

All Baylor's skill in talking with the reform school inmates about their problems comes from his own job experience and the experience of raising two children, he said.

Baylor and other supervisors in the reform schools said they feel the youths in their cottages talk more openly to them than they do to the counselors and other treatment professionals.

Dealing with the youths' problems can be a demanding job.

"They'll burn out your staff in six months," Ramon E. Pardue said about the reform school inmates. "They'll absorb all the energy you've got, then they'll need some more."

Pardue, a former reform school counselor and later a corrections department official, now is assistant executive director at St. Joseph's Villa, a private home for adolescents.

Frank Bishop acknowledged that supervisors do burn out on the job and frequently move on to other jobs within a few years. The supervisors with college degrees can become counselors or administrators, and supervisors with only high school diplomas can go into food service, maintenance, or transportation services.

Besides being difficult, the work pays relatively little. Pay for supervi-

sors starts at \$11,643 and goes up to about \$16,000. Supervisors in charge of other staff members earn more.

As in any other job, some people make better supervisors than others.

Only 10 years ago, programs in the reform schools centered on hard work and harsh discipline, including spanking and whipping. Some supervisors remember those days and miss them.

Dennis Waite, chief of the 22 psychologists who work in the reform schools, said he was teaching a class some supervision techniques when one supervisor interrupted him and recalled how "we really taught them in those days" when an inmate who caused trouble would be forced to haul rocks from one place to another until his hands were bloody.

At the newly opened Oak Ridge Learning Center, Superintendent Gayle Y. Browne said she feels some reform schools in the state have a high percentage of supervisors who use "macho, punitive techniques" and are overly hard on the inmates.

"It's almost as if they were looking for punitive people," she said.

C.R. Rotenberry was an adult prison guard for 12 years before he became a supervisor at Appalachian Learning Center. He said he would like more freedom to follow his own instincts about discipline but nonetheless follows the latest rules.

"You have to take a lot from these kids," he said.

"You feel sometimes as if you have just as many rules and regulations to follow as the boys who are locked up," said a supervisor in another reform school. He asked not to be identified in the newspaper.

All the reform schools have col-

lege-educated counselors who meet periodically with each inmate and act in some ways as an advocate.

"The kid and I are kind of like in the hub of a many-spoked wheel. And I try to run in and out of the spokes with him," said H. Allen Davis, a counselor at Natural Bridge Learning Center.

While many of the counselors, Davis among them, have degrees in sociology or psychology, a college degree of any kind will fill the job's educational requirement. In some cases, counselors began as part-time summer supervisors while in college and stayed with the job until they were promoted to counselor.

"They drift into this type of work," said Dr. John F. Mesinger, a University of Virginia special education professor whose students sometimes work in the state reform schools. He said some of the counselors are very good, but others really don't have the proper training.

"They're really on the line with some really emotionally challenging kids," Mesinger said. "... They don't know their own personalities well enough to know what's bugging them about the kids."

Psychologists work for the central Behavioral Services Unit rather than the individual reform schools, but each reform school has one or two psychologists on campus. Beaumont Learning Center recently got a third resident psychologist.

All but five of the 22 psychologists who work in the learning center system have master's degrees rather than doctor of philosophy degrees. A psychologist with a master's degree can't get a license to practice, but psychologists who work for the state

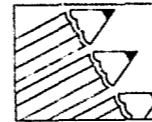
government are not required to have licenses.

Waite, who supervises the psychologists, said he is working to get better qualified staff, but he said his staff is competent despite its comparatively low level of training.

The main problem the psychologists face is their inability, because of time limitations, to do therapy with more than a small number of the juveniles in any reform school, Waite said. Each psychologist in the reform schools has a waiting list of potential patients.

Meanwhile, the major responsibility of dealing with the young inmates and their problems rests with supervisors like James Baylor.

"I'll probably stay right where I am because I like working with kids," he said.



## Behavior control is first

*Treatment  
receives  
much talk  
but less action*

Making your day is good.  
Meeting criteria is good.  
Acting out is bad. So is being manipulative, disruptive or assaultive. Virginia treats rather than punishes its juvenile delinquents, and youths sent to state reform schools soon learn the language and rules of treatment.

The "learning centers," as the reform schools are called, offer school and shop classes, counseling and therapy. They also teach manners by rewarding inmates for being good and punishing them for being bad.

"Once their behavior is under control, then you do the real work," said Gayle L. Turner, a counselor at Bon Air Learning Center.

But many observers question whether behavior control programs, in which young inmates earn privileges, points or play money for good behavior and lose them for bad behavior, have become too important in the overcrowded and understaffed learning centers.

"So much time is spent getting control that the treatment of other problems never comes up," said Rose A. Herr, a former chaplain at Hanover Learning Center.

To an outsider, the jargon of behavior control can sound bizarre. Inmates and staff talk about "meeting criteria" in one program or "making your day" in another program that requires inmates to "earn" each day through good behavior or repeat it before reaching a new "level" of greater privilege.

One of the behavior control programs at Hanover Learning Center requires staff in cottages, classes and recreational activities to rate the inmates on a series of "adaptive," or desirable, and "maladaptive," or undesirable, behaviors.

On a recent afternoon and evening there, supervisor John Setelin, a bearded, balding, 38-year-old Vietnam War veteran who worked previously as a respiratory therapist and a prison guard, was the lone adult supervising 27 teen-age boys living in Cardwell Cottage.

Setelin, whom everyone calls "Trapper," said two supervisors were supposed to work in the cottage between the time the boys returned from school about 2:30 and 10 p.m., bedtime. But he said scheduling problems often required "single coverage" during the summer.

As the boys took their showers that night, Setelin had to keep track of them in the dormitory, a hallway and shower room all at once. He stood in the hall outside the showers, watched everyone and played referee to a growing squabble between a new inmate and another boy who was threatening him because he felt the newcomer had insulted his grandmother.

When the boys eventually were dressed in pajamas and settled before a movie or writing letters in the television room, Setelin pulled out the forms used to record behaviors.



"I did adaptive during the shower," he said. "You do it so much it's second nature. You don't need that sheet sitting in front of you."

Setelin began listing whether each of the 27 boys brushed his teeth, washed and dressed properly. He said he would monitor maladaptive behavior as the boys watched television, wrote their letters, or played cards that night.

Maladaptive behavior includes being disruptive, annoying, abusive to property, self-abusive. It also includes inappropriate sexual behaviors and such "stereotyped behavior" as rocking, pacing and fidgeting.

One recent graduate of Hanover said he didn't mind being rated for adaptive behavior, "but that maladaptive . . ."

The graduate said he can remember being cited for self-abuse because he scratched his head with his finger instead of a comb. He said he was cited for disrupting because he called out encouragement to his teammates during a game.

James H. Ball Jr., Hanover's superintendent, acknowledged that staff members sometimes give an inmate bad marks for behavior out of personal animosity.

A youth at Appalachian Learning Center in Russell County, which has a strict behavior program, was more blunt:

"They burn you when they want to burn you," he said.

At all the learning centers, inmates meet periodically with a "treatment team" that consists of the cottage manager, a schoolteacher, a counselor and, occasionally, a probation officer from an inmate's home community.

The treatment team is partly re-

sponsible for determining when the inmates, who are placed in the learning centers on indeterminate sentences, have met their treatment objectives and are ready to leave.

The team members consider progress in classes, obedience and performance in the behavior control programs.

Only in 1973 did the Virginia Department of Corrections begin treatment programs that followed the inmates from the classroom and vocational shops back into the cottages.

The new treatment focus of the learning centers was christened the Learning Environment Action Plan and commonly called LEAP.

Under LEAP, cottage populations were to be reduced to 15 or 20 youths who would be classified according to behavioral and educational types.

LEAP died a quiet death because, for one thing, some 95 percent of the juveniles coming into the learning center system fit into the same classification.

"LEAP was, I think, theoretically ill-founded from day one," said Dr. Dennis Waite, the chief psychologist in the learning center system.

He said he believes a system founded on solid treatment concepts could help rehabilitate juvenile delinquents if the state corrections department had more staff, more money and less-crowded reform schools.

Dr. Waite acknowledged that, except for some programs for inmates with certain types of behavioral, emotional and learning problems, treatment for most of the inmates is a euphemism for behavior control.

Dr. Waite is not alone among Virginia's criminal justice officials in his frank attitude about the weaknesses

of treatment programs in the reform schools.

In an August 1981 report entitled "Crime and the Justice System in Virginia," the state Division of Justice and Crime Prevention (now the Virginia Department of Criminal Justice Services) listed as a problem the fact that some learning centers have treatment programs to serve the individual needs of its inmates, but others did not.

In a lengthy study of the reform school system released in 1977, "Children and Youth in Trouble in Virginia," the Virginia State Crime Commission said: "While treatment is reported to be the primary objective of the learning centers, this objective is not being met in most cases."

The crime commission study said learning center staff often confused treatment with discipline.

The commission said goals in the inmates' treatment plans were not specific enough to be helpful and inmates viewed the treatment teams as being more oriented toward discipline than treatment.

Other problems noted in the crime commission study were insufficient staff in the cottages, too much staff turnover and absenteeism in some learning centers and too few counselors, psychologists and other treatment professionals to meet the needs of the inmates.

The study also noted critically that statistics were not kept and evaluations were not done on many of the treatment programs.

Crime commission staff members told The Richmond News Leader that many of the problems outlined in their study still exist.

However, some changes have been made.



Staff photo

**INMATE'S CARD IS PUNCHED**  
Behavior card is used at Bon Air

William E. Weddington, the corrections department's assistant director for program development and evaluation, said the department has begun building an evaluation system into each new program.

Even now, though, treatment programs in the learning centers often are begun or abandoned with little help from the psychologists, who have offices in the learning centers but work for Dr. Waite's Behavioral Service Unit.

The problem isn't that the psychologists don't want to be involved. Often, they're not invited.

"We're like in a sense consultants to our own department," Waite said. "I don't have any authority in any of the institutions."

Nancy L. Stone, the psychologist at Natural Bridge Learning Center, said the behavior control program at Natural Bridge never was meant to be a behavior control program.

Ms. Stone said she designed a behavioral check list for staff members to fill out so she could monitor how inmates acted in their cottages. Staff members began telling the youths when they were awarding a "bad check" so the survey came to be a behavior control tool.

Waite and other treatment experts caution that even good programs may fail unless staff members are trained in how to administer them.

Dr. John Mesinger, a University of Virginia special education professor, trains college students to teach delinquents. He sends his students to work in the learning centers and other institutions for problem children.

#### IMPROPERLY RUN

Mesinger said he has seen some theoretically sound programs suffer because they're not administered properly.

"Labels change, but many of the practices remain," he said. "You don't change the quality of the program just by renaming it and putting someone who's not trained (in) to run the program."

The Rev. George F. Ricketts calls the tendency to scrap one program and replace it with another the "modality game."

Mr. Ricketts is executive director of the Chaplain Service of the Churches of Virginia, which provides chaplains to the learning centers, and also a longtime member of the state crime commission. He said treatment methods go in and out of style and

that some learning centers seem to adopt the latest one that comes along.

For all its problems with treatment, the reform school system does have a number of programs that are widely praised. What they have in common are small numbers of participants who receive a lot of attention from a relatively large staff.

A good example is the Bridge Program at Natural Bridge Learning Center. In it, eight youths live for an average of four months in a log cabin that inmates built on the outskirts of the learning center campus.

Instead of attending classes, the youths, who are supervised by a staff of seven, perform wilderness work projects and the day-to-day tasks of living without modern conveniences.

The purpose of the program, according to Natural Bridge Superintendent William E. Hepler, is to teach the inmates to work for the common good by doing work that affects the well-being of the entire group.

Another widely praised program is Camp New Hope, which adjoins the Natural Bridge campus and provides wilderness camping, recreation and adventure programs of varying lengths for youngsters from all the learning centers and other organizations that deal with children.

Oak Ridge Learning Center, which opened in Chesterfield County this year, eventually will treat youths who are "mildly to moderately" retarded as well as "aggressive and assaultive," according to the superintendent, Dr. Gail Y. Browne.

Dr. Browne said the Oak Ridge program will use a higher staff-inmate ratio than most other learning centers and concentrate on preparing the

youths to live outside an institution.

She said most of the inmates have been in mental health and corrections institutions for most of their lives and have become so "institutionalized" that they may not even be able to tell time, let alone make a decision about when to eat.

At Oak Ridge, the 40 inmates will be served by a staff of 59, Dr. Browne said. The cost of running the program will be more than \$28,000 a year per youngster, or nearly twice the cost of running the main programs at nearby Bon Air Learning Center.

A similarly intensive program for girls with serious emotional and behavioral problems was begun at Bon Air in 1980 after the Virginia General Assembly passed a resolution calling for the corrections department and the Virginia Department of Mental Health and Mental Retardation to determine whether residential mental health services could be provided in a corrections institution.

A study published this summer found the Keller Hall Pilot Project succeeded in several ways.

The 34 girls who began the program had, on the average, been in five institutions before placement in Keller Hall. Twelve girls completed the program, and only one was back in a learning center or jail six months later. The rest were living independently, in group homes, foster homes or with their parents.

Information about the girls who, for one reason or another, did not finish the program was incomplete because nearly half could not be found by the authors of the study. But of six who were found, one was in a group or foster home. The rest were either back in Bon Air, in jail or in a

psychiatric ward.

#### STAFF BORROWED

Keller Hall treatment was so intensive that staff and resources had to be taken from other programs in the learning center system. The staff members were given extra training, at least two staff members were on duty 24 hours a day, a psychiatrist and psychologist visited regularly and each girl had private counseling sessions twice a week.

The cost per girl was about double that of the other cottages at Bon Air, which cost about \$17,000 per girl per year. Cottage costs do not include the cost of classroom education.

Dr. Waite said Keller Hall's program probably could be modified to be beneficial to many more youngsters in the learning centers. But it was a pilot project that succeeded, in part, by taking services away from other programs.

Without more money, he said, the methods used successfully in Keller Hall won't lead to any large-scale improvements in the system.

"I kind of wonder what we did prove," Dr. Waite said.



Staff photo by Don Long

## ***Confusion makes reform schools fail, Va. official says***

Dr. Dennis Waite says Virginia's reform school system doesn't work and he knows the reason why.

"It's this confusion about whether we're in the rehabilitation business or the punishment business," he said.

Dr. Waite, chief of the 22 psychologists who work with juvenile delinquents in Virginia's seven reform schools, believes that young law-breakers can benefit from treatment programs in publicly run institutions.

The "confusion" he complained about in a recent interview starts with state laws that give the reform schools the dual purpose of rehabilitating delinquents who can't be handled in their own communities and protecting society.

Judges are responsible for deciding who to commit to state custody, Waite said, and judges often hamper treatment efforts in several ways.

In the case of juveniles who have committed serious crimes, he said, judges often interfere with treatment in the name of public safety by contesting or even overruling corrections department decisions that a juvenile is ready to return to his community.

Even though the law gives corrections officials the power to determine when a reform school inmate is ready to return to society, some judges tell the department to hold a juvenile for a certain time, or threaten to resurrect suspended charges if the youth is released before the judge feels enough time has been served.

Dr. Waite said judges also create another problem by sending the corrections department juvenile delinquents who probably won't endanger their communities by staying free. He said the judges commit these children

and teen-agers for treatment and sometimes specify the programs in which they want youths.

"Juvenile judges really don't play by the rules. They do things illegally. They fancy themselves social workers," Dr. Waite said. "... They want to send us a kid to punish this kid and they want to send us another one to rehabilitate him — under the same code" of laws.

William F. Thomas Jr., a juvenile judge from Pulaski County and president of the Virginia Council of Juvenile Court Judges, acknowledged that judges often stay actively interested in juvenile delinquents they send to the reform schools out of concern for the youths and their own communities.

"If the judge has no interest in the children that come in front of him, maybe he should be doing something else," Thomas said.

Thomas denied that judges break any laws. They simply persuade corrections officials to take the course of action they feel is best, he said.

Thomas said Virginia has 70 juvenile judges, and each has a different way of operating.

"I feel the judges get a bad rap," said Frank B. Bishop III.

Bishop, the top administrator of Virginia's reform school system, said judges have the tough job of representing communities that say, in effect, "Yes, we want the child treated, but we want him in a secure setting until he gets himself together."

Bishop said corrections officials often meet with judges and work with them in designing a treatment plan and timetable that will be acceptable.

As an example, Bishop said he recently met with a judge who ordered

that two juveniles found guilty of several armed robberies be held in the reform schools until they turned 21.

"The judge said, if we send them home, he had outstanding charges all ready," Bishop said.

But the judge eventually said he might relent if the corrections officials would keep him informed of the juveniles' progress in treatment and consult with him about a release date.

"I have yet to find a judge who wasn't workable," Bishop said.

The conflict between rehabilitation and punishment goes much further, however, than the relationship between reform schools and the judges.

Bishop said the goal of treating delinquents in their own communities is hampered by a scarcity of community corrections programs beyond probation.

Urban communities sometimes sentence juveniles to work in public service jobs or to pay back people from whom they've stolen, but many rural judges have no options beyond probation or reform school.

"If everything worked perfectly, it could be that our business would be very small," Bishop said.

Even within the reform school system, he said, the dual demands of treatment and public safety constantly battle for dominance.

Ten years ago, the corrections department made a strong commitment to treating the behavior problems that lead to delinquency. Officials began classifying the juveniles according to their personalities and educational needs and prescribing individual treatment.

But that system "only took into account the treatment need, and that

was the void in it," Bishop said.

A subsequent classification system based only on security factors — seriousness of the crime and history of violent acts — was scrapped because it was too similar to adult prison classification and ignored individual treatment needs.

At present, corrections officials are trying to design a new classification system that will take account of treatment and security needs.

The new system probably also will specify a minimum and a maximum length of stay for each classification category, Bishop said.

He said inmates currently are placed in treatment programs that run from about three months to a little more than a year. But the youngsters in any of the programs can become bogged down for months if they fail to fulfill the requirements of the program.

"There's fairness involved in it," Bishop said.

For the moment, classification consists of individual treatment plans. But to protect public safety, certain youngsters carry a "precautionary case service alert" in their files.

The alert was devised after a young rapist was released in less than a year — to the dismay of the judge who had found him guilty. It requires that a special committee, certain community representatives and the judge all have some say in determining the release date in such cases.

Even when corrections officials can persuade judges to let them send juveniles home, they can't do anything about slowing down a commitment rate that keeps the learning centers overcrowded.

Dr. Waite said the population of

Beaumont Learning Center in Powhatan County briefly outgrew its budgeted 200-inmate population by nearly 100 about two years ago.

"I can guarantee you they weren't doing any treatment," Dr. Waite said. "If you can keep the kids from killing each other (when populations run that high), you're doing a good job."

The overcrowding might get worse if state judges can win legislative approval of a proposed law that would let lock up status offenders who have violated court orders, Bishop said.

Status offenders, or juveniles who commit crimes that only minors can commit — such as running away from home or skipping school — routinely were sent to the reform schools until 1977. That year, the state banned imprisonment of status offenders.

Since the law change, however, judges have complained they no longer have enough power to see that status offenders obey court orders.

Corrections officials hope the lawmakers will vote down that proposal.

In fact, Bishop said, the corrections department plans to ask the General Assembly to set a limit on reform school populations.

He said such legislation (which has been introduced before without success) might prompt communities to develop more local corrections programs.



## Are reform

A few states have closed most of their reform schools and have experimented with other ways of dealing with juvenile delinquents.

Massachusetts sentences some juvenile delinquents to live with adults who are paid to supervise one youth at a time. Pennsylvania sends some urban delinquents to inner-city group homes run by former gang members.

But a majority of states maintain large reform school systems and use them for most delinquents who aren't good enough for probation or bad enough for adult prisons.

When it comes to the numbers, Virginia falls about in the middle.

In 1977, Virginia ranked 21st among states for the rate at which it sent youths to reform school, according to the U.S. Census Bureau.

That year, the state sent 208 residents between the ages of 10 and 18 to reform school for every 100,000 in the age group.

Delaware sent juveniles to reform school at the rate of 605 per 100,000. Vermont, which closed all its reform schools, sent none. Massachusetts placed juveniles in reform schools at the rate of two per 100,000, and New York locked them up at the rate of 38 per 100,000.

"It sounds . . . that Virginia is fairly conservative in handling delinquent kids," said Paul DeMuro. "It's relying mainly on the institutions. They're with the majority of states, unfortunately."

DeMuro, director of the Office of Social Justice of the National Council on Crime and Delinquency, is an opponent of placing juvenile delinquents in large institutions.

### SMALL PROGRAMS

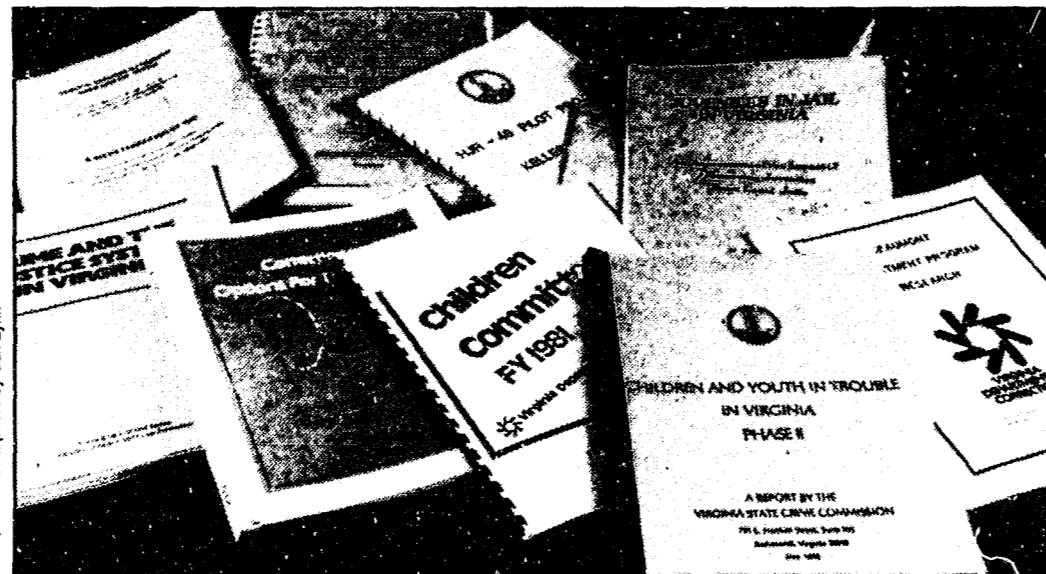
He praises such states as Massachusetts, which closed its reform schools 10 years ago and places delinquents in small, privately run programs designed for youths who previously would have been sent to reform schools.

DeMuro, along with other experts interviewed by The Richmond News Leader, said every reputable study of youth corrections has found that reform schools with more than 10 to 15 inmates inevitably fail to rehabilitate delinquents or protect society.

Virginia officials and lawmakers who have read the same studies as DeMuro tend to agree. But the officials argue that closing the reform schools suddenly is too radical a move for a conservative state. They said Virginia is moving slowly to develop a network of private alternative facilities to reduce the number of inmates in the reform schools.

Frank B. Bishop III is the top administrator in the state reform school system. He favors placing fewer delinquents in the reform schools, he said, but not hastily.

"Virginia's approach to it has been much more level-headed and moderate," Bishop said.



Staff photo by Carl Lynn

## schools best answer?

Ira M. Schwartz, former administrator of the U.S. Justice Department's Office of Juvenile Justice and Delinquency Prevention and now a fellow at the Hubert H. Humphrey Institute of Public Affairs in Minnesota, said research shows a conservative approach doesn't work in changing youth corrections systems.

As long as reform schools stay the same size, he said, they will remain full. The alternative programs also will be filled but with youths who otherwise would have been placed on probation or sent home with a scolding, he said.

"Those who argue that you can just simply develop alternatives and take a rational approach — it just doesn't work that way," Schwartz said.

He said that while Virginia is moderate in the number of youths it sends to reform school, it ranked 13th in a 1979 Census Bureau survey of the total number of juveniles locked up in reform schools, detention homes, adult jails and prisons.

In the mid-1970s, Schwartz helped conduct a study of the state reform school system for the Virginia State Crime Commission and a committee of the General Assembly.

He has watched the system informally since then, he said, and agrees with state officials that conditions and treatment programs in the institutions have improved.

However, Bishop said, Virginia will have a tough time maintaining the

progress made in the reform schools during the past 10 years.

Like all state government agencies, the reform school system administration has been instructed to reduce its budget by 5 percent.

"We're in the process of cutting it, if you want to know the truth," Bishop said. "Bad news on the horizon. Bad news."

Jerome Miller is president of the National Center on Institutions and Alternatives and a critic of most reform school systems. He is the former government official who closed reform schools in Massachusetts.

Miller said good programs that appear from time to time in reform schools inevitably disappear when "bureaucratic needs," such as budget limitations, take over.

"The tradition is that you can't sustain good programs in institutions; they're unreformable," Miller said. "It's a contradiction in terms to think that you could treat a kid individually in a large institution where he's a captive."

### COSTS COMPARED

Cost, according to Miller, is another reason reform schools should be closed. He said the best preparatory schools charge about \$6,000 a year for room, board and tuition.

The average cost of keeping youths in the state reform schools was about \$25,000, according to a study pub-

lished this year by a coalition of private agencies that provide residential care for some delinquents in Virginia.

That figure came from analysis of the budgets of the corrections department, which runs the reform schools, and the state Rehabilitative School Authority, which operates the academic and vocational education programs in the reform schools.

"When the sons or daughters of police and legislators get in trouble, they move heaven and earth" to keep the children out of reform schools, Miller said. "We're spending much more to destroy the sons and daughters of the poor than the middle class spends to save its own."

He said the cost of reform schools would be much lower if they were reserved for the few juvenile delinquents who are violent and pose a physical threat to society.

"There are a lot of very lightweight kids that they're spending \$16,000 a year on that could do very well for three or four thousand in their own community," Miller said.

Del. Frank M. Slayton, D-South Boston, is chairman of the state House Appropriations Committee's Subcommittee on Corrections and has been instrumental for years in the fate of legislation affecting the corrections department.

He acknowledged that Virginia's alternative youth corrections pro-

grams haven't really been used as alternatives but said that's largely because communities don't want to divert juveniles from the learning centers.

"I just simply don't feel that the time is right to try and impose any larger responsibilities on the localities because they simply don't have the dollars to do it," Slayton said.

He said Virginia lawmakers have not formally considered the radical measure of closing reform schools and making that money available for the development of real alternatives.

"It very well may be that we should take a look at that. We're putting out \$25,000 per child per year" in the learning centers, Slayton said.

However, such a move would take considerable determination on the part of the legislators.

The General Assembly once decided to close Appalachian Learning Center in remote Russell County and open a similar institution in Roanoke, which is much closer to the homes of most of the youths sent there.

Even though money was appropriated for the move, political forces — including pressure from Russell County residents dependent upon Appalachian for jobs — killed the plan.

The money eventually was used for renovations in the learning centers.

## Nearly 25% return to centers

"I used to break in all around here," Lonnie said with a smile that flashed his gold front tooth. "We was putting (a nearby business district) out of business. They was losing \$2,000 worth of merchandise a week."

That was last year. That was before Lonnie, a skinny 16-year-old from a public housing project in one of Virginia's largest cities, was arrested with several young friends for breaking into a jewelry store. That was before he spent nearly seven months in a state-run reform school called Natural Bridge Learning Center.

"I won't touch nothing that don't belong to me now," he said. "I ain't about getting locked up no more. It ain't no fun."

No one can say for sure what Lonnie's chances are of keeping his promise.

Of more than 1,000 juvenile delinquents sent to Virginia's seven reform schools each year, nearly a quarter get into trouble again and are sent back a second time before they reach adulthood.

No records are kept of those who later get into trouble in other states, but there is evidence that many reform school graduates apparently become adult criminals. In 1981, nearly a third of the inmates in Virginia's adult prisons had been in a state re-

form school when they were younger.

The reform schools now are called "learning centers," and their two-fold purpose is to protect society from harm by dangerous juvenile delinquents and to turn young lawbreakers into peaceable citizens.

In fact, after four months to a year or so of strict discipline, enforced class attendance, counseling and various forms of therapy, youths like Lonnie often leave reform school with a new attitude.

But old attitudes and old ways of life often return when the youths go home to a real world that remains as it was.

### 'EVERYONE RELIEVED'

"Nothing has happened to change the environment," said Robert E. Shepherd Jr., a law professor who spent four years representing the state reform schools as an assistant attorney general. "Probably the only change that has taken place is that everyone in the family has been relieved that he's not there."

Like many who work in the reform schools, Henry K. DeLoatche, the psychologist at Appalachian Learning Center in Russell County, has similar reservations.

"I'm afraid that what we get are surface changes," DeLoatche said.

Fred, a 28-year-old inmate at Southampton Correctional Center at Capron, a Virginia adult prison, said he worked hard to stay out of trouble when he was released from Beaumont Learning Center (then Beaumont School for Boys) in Powhatan County in 1970. He had been committed for burglary.

### 'TRIED EVERYTHING'

"I tried everything I could to avoid it," he said. But Beaumont left Fred with what he calls his "label." His old friends back home in one of Virginia's coastal cities knew he had been to the "boy's home," so they kept testing to see whether he was as tough as his reputation.

"I think I got into more fights getting out of Beaumont than I ever had to deal with," he said. "Just behind the label."

He said he spent most of his energy immediately after his release from Beaumont staying away from his old friends and heroin. He kicked his drug habit in Beaumont and never went back to it, he said.

Fred, a lean and intense man who sprinkled his conversation with terms usually associated with psychologists and criminal justice experts, said he worked at a number of jobs and stayed out of serious trouble for five

years after Beaumont.

In 1975, he got drunk and robbed a store at gunpoint. He was arrested about a week later and has been locked up since.

For 16-year-old Harold, who has been home from a six-month stay at Hanover Learning Center since mid-May, staying free is tied closely to behaving in a way that pleases his parents.

Harold was placed on probation after his father found a pipeful of marijuana at home and called in police.

#### VIOLATED PROBATION

He violated the probation by staying out too late at night, so the judge in his central Virginia county placed him under house arrest. When he walked out of the house during a disagreement with his parents, Harold was sent to reform school.

Now, to keep from going back to Hanover, Harold says he makes an effort to get home early in the evening and to stay away from his marijuana-smoking former friends.

"I gave it up because it's not worth it," he said.

Harold's mother, who had been preparing chitlins in the kitchen while her son talked in the living room of their modern townhouse apartment, said Harold has changed "to a de-

gree" since Hanover but still has habits — smoking cigarettes among them — that she doesn't like.

#### WOULD TAKE HIM BACK

His father, a truck driver, said he won't hesitate to take his son back into court if he misbehaves.

"When I find out he's too far out for me to handle, or his mother to handle . . ." Harold's father said and left the consequences unspoken. "Anything for Harold," he added. "Anything for Harold."

Harold's mother, who works in a cigarette factory, said some friends and relatives have chastised her and her husband for turning their son over to police, but she feels the court acted in Harold's best interests.

"Nobody was trying to punish him; we were just trying to get to the bottom," she said.

"They got a beautiful program up there (at Hanover)," Harold's father continued. "It's just counseling. That's the way I look at it."

Another graduate of Virginia's reform school system is Darla, whose year-long stay at Bon Air Learning Center in 1979 and 1980 was merely one episode in the cycle of trouble and treatment that has continued through about half of her 17 years.

She said she resumed her habits of staying out late, drinking and using drugs — which led to numerous charges of being drunk in public and violating probation — almost as soon as she was released.

After Bon Air, Darla was to live under strict supervision in a group home in the same central Virginia city where her mother lives. She ran home after one day in the group home, and her probation officer agreed to let her stay there.

#### TIRED OF TROUBLE

She has been through several private drug and alcohol abuse treatment programs since then. But she has calmed down lately simply because she's getting older and tired of being in constant trouble, she said.

Her plan now is to begin working for a living, she said.

"If the courts would have just let me alone, I think I would have been better off," she said with a mischievous smile. Her mother, a youthful woman sitting nearby in the living room of their small house in a working class neighborhood, shrugged.

"I don't think it helped her or hurt her," Darla's mother said. "At least I didn't have to worry about her getting

picked up and killed" while hitchhiking.

Darla's mother has worked rotating shifts as a hospital nursing assistant since her divorce about seven years ago. She said she has never been strict enough with her three children.

"I think I would rather live on welfare and know that they was home if they was small again," she said.

Lonnie, the 16-year-old who insisted his stay at Natural Bridge Learning Center cured him of stealing, said his main goal was to make the school football team. He said his friends would not distract him because they still commit burglaries and now treat him as an enemy.

"They want to punch out my gold" tooth, he said as he sat on the front steps of his mother's apartment and watched some little girls play hopscotch on the sidewalk.

As he talked, three teen-agers walked up the sidewalk toward the group of little girls, glanced briefly at Lonnie and hopped through the chalked-on hopscotch diagram without a word.

"There are some of my old friends coming down the street now," Lonnie said.

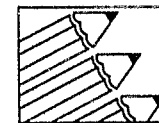
said.



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**Not Getting Away with Murder: Serious  
Juvenile Offenders in the  
District of Columbia**



*By Margaret Beyer*

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## Not Getting Away With Murder: Serious Juvenile Offenders in the District of Columbia



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"Tyrone" is 15. He loves cars and has stolen more than 100 of them! He may be the Number One Car Thief in the District of Columbia, according to prosecutors. He has been in and out of the city's juvenile facilities for several years. "I guess you can't really say I go to any junior high school," he comments. "And it seems like a long time since I really lived at home." Tyrone is bright, but finds school boring. He has a loving family, but his parents cannot control his delinquency. He knows himself that he has problems, but he confides in no one: he does not know what could help him change his behavior. After another young person hit and killed a child while driving a stolen car, frustrated prosecutors began considering asking the judge to move Tyrone to adult court. "He's only a car thief, but he keeps building his record and we can't find any way to make him stop."

More and more young people under age 18 in D.C., like Tyrone, are being treated as adult criminals. This trend is partly due to the public's erroneous perception of a juvenile crime wave. In fact, juvenile crime has steadily decreased in the city. Juveniles were arrested for 13 murders and

16 rapes in 1981 (in comparison to 170 murder and 121 rape arrests of adults). Most of us also believe that juveniles are very dangerous, but national research does not support this assumption. Many prosecutors, judges and legislators view the juvenile justice system as a failure: it does not cure most serious juvenile offenders of the underlying causes of their criminality. Juvenile institutions are schools of crime, pressure cookers generating anger in youth later released to the community. It has been estimated that 70% of Lorton Prison inmates are graduates of juvenile facilities.

But the handling of juveniles in adult court does not address this fundamental problem of rehabilitation. If a young person continues to commit serious crimes, we will invest at least half a million dollars in him/her for twenty years of incarceration. Most criminals do not commit serious crimes after release from prison when they are over 35, but the "aging out" solution is very costly.

There are alternatives for rehabilitating serious juvenile offenders which are more effective than the juvenile justice system and less costly than the aging out approach.

### About the Author

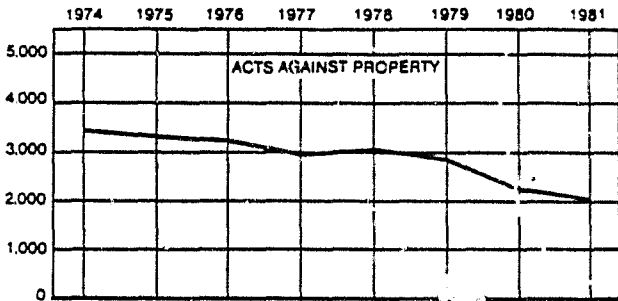
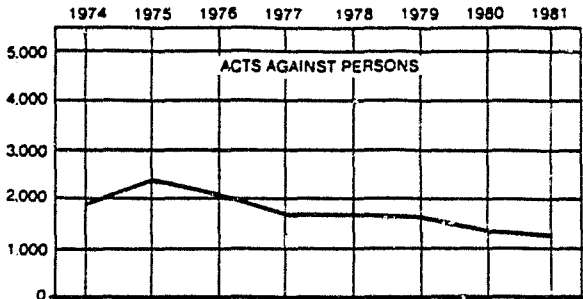
**MARGARET BEYER** holds her Ph.D. in Clinical/Community Psychology from Yale University and has worked with adolescents since 1967 as program director, psychologist and counselor.

Beyer, as Director, D.C. Coalition for Youth, advocated for improvements in youth services—including alternatives to incarceration—in coordination with many different public and private youth-serving agencies in Washington. She is now working independently as a writer, therapist and consultant to the D.C. City Council

Beyer initiated this study because so little was known about what actually happens to serious juvenile offenders in the District of Columbia once they are arrested.

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TREND OF JUVENILE REFERRALS TO D.C. SUPERIOR COURT



Source: 1981 Annual Report, D.C. Courts

Let's take a look at the actual juvenile crime statistics and the comparative costs and effectiveness of various approaches to rehabilitating young offenders like Tyrone.

THERE IS NO JUVENILE CRIME WAVE IN THE CITY

Since 1975, all categories of juvenile crime in the District of Columbia have shown a substantial decrease.

Similarly, there has been a drop in juvenile crime around the country. Juvenile arrests jumped dramatically from 1965 to 1975. But, between 1975 and 1980, juvenile arrests across the country plummeted 16%. There are multiple causes for this drop (including the decrease in the adolescent population and the removal of runaways and truants from many juvenile courts), but nationwide there are fewer juvenile arrests for serious crimes.

JUVENILES DO NOT COMMIT A DISPROPORTIONATE NUMBER OF CRIMES

The crackdown on delinquency is attributed to community concern over violent crimes committed by juveniles. In fact, juveniles commit a small proportion of crimes against

people in the District of Columbia. Juveniles, particularly those involved in burglary, car theft, and shoplifting, do account for a disproportionately large number of property crimes.

In 1981, juveniles 10-17 years old comprised 15% of the District population and accounted for 10% of all arrests in the District of Columbia. Young people were arrested for 27% of the three major property crimes and 18% of the four major crimes against people:

	Percent of total arrests by those under 18
Murder (incl. manslaughter)	7.1
Rape	11.7
Aggravated Assault	13.8
Robbery	22.7
Larceny (incl. theft, not m.v.)	16.0
Burglary (incl. break.& enter.)	27.4
Motor Vehicle Theft	29.1

Source: Metropolitan Police Department Annual Report, 1981

Nationally, the picture is similar. A small part of juvenile crime is violent: of the two million arrests of young people under age 18 nationally in 1980, 4% were for violent crimes. Juveniles are arrested for less than a fifth of all violent crimes nationally: 9% of the murder arrests, 15% of the rape arrests, 15% of the aggravated assault arrests, and 30% of the robbery arrests. The real juvenile delinquency problem, here and across the country, is in property crimes: about 40% of the larceny, burglary and motor vehicle theft arrests nationally were of juveniles.

#### THE MISTAKEN IDENTITY OF SERIOUS JUVENILE OFFENDERS

Our image of a violent delinquent is a ruthless gun-carrying teenager who beats up and robs elderly people. There are some juveniles who fit this stereotype. But nationally and locally, most do not. The National Council on Crime and Delinquency concluded from a multitude of research efforts across the country that:

- Most serious crimes by juveniles do not involve the use of weapons

- Most youth arrested for violent crimes did not threaten or inflict serious physical harm
- The victims of violent juvenile crime tend to be young males
- There is not a pattern of increasing seriousness in juvenile offense histories

Most of the 600 arrests of young people under 18 last year in D.C. for robbery and assault did not involve a weapon, did not result in serious injury, and the juvenile had not committed a violent crime before. Of course, crimes against people threaten us all. But the pressure to lock delinquents up in adult prisons comes from our incorrect belief that there is a juvenile crime wave and from our inaccurate stereotype of violent juvenile offenders.

#### THE REHABILITATION DILEMMA

In the District of Columbia, delinquent young people by law are guaranteed rehabilitation. The philosophy that troubled young people can be re-directed is based on several assumptions

about the causes of their illegal activities:

- **Immaturity**  
The ability to recognize the consequences of actions is normally still developing in teenagers. Poor judgment in youth is the source of many delinquent acts. "Diane," age 16, is a good student who had never been arrested before. She killed a friend while playing with a gun she did not realize was loaded. Diane is an example of tragic poor judgment in a teenager. Rehabilitation can help juvenile offenders like Diane increase their sense of responsibility as they mature.
- **Childhood problems**  
Growing up for many delinquents has been dominated by the struggle to survive. Survival is often in conflict with the development of self-control required for success in society. It is not surprising that adapting to their surroundings leaves young offenders feeling worthless, having limited empathy, and unable to tolerate frustration. "Michael," age 15, was found guilty of a bloody murder. A counselor called him "extremely deprived, with almost no

emotional life." Michael was raised in a violent neighborhood and repeatedly abused at home--being tough was key to his survival and led him to murder. Rehabilitation can offer the opportunity to form trusting relationships through which juvenile offenders like Michael learn more acceptable behaviors.

- Limited opportunity

Most delinquents in the city are very poor. In a time of high unemployment among teenagers and their parents, crime offers these young people their only access to money for food, clothes and entertainment. The typical 16-year-old delinquent with a fourth grade reading level will never escape the cycle of poverty. Although he is bright, Tyrone (described earlier) sees no future for himself and enjoys life now by stealing cars. Rehabilitation can offer juvenile offenders like Tyrone a future which is more attractive than crime.

Policy-makers are faced with challenging questions in trying to "cure" the irresponsibility, childhood problems, and limited opportunities of delinquents. Are

young offenders worth the investment which rehabilitation requires? Is society responsible for correcting what has gone wrong in their upbringing? Are there serious juvenile offenders who cannot profit from rehabilitation?

To address these questions, let's evaluate approaches to rehabilitating serious juvenile offenders, beginning with a case study:

"James" is a 14-year-old with ten burglary arrests. He was on probation for one year and was just released from a juvenile facility. His father is an addict who is at home intermittently. Protective Services investigated several times after the father abused James and his sisters. His mother struggles to raise four children on welfare. They live in a two-bedroom apartment in public housing where caseworkers are afraid to visit. James' mother--who is only 30--is overwhelmed by

meeting the demands of young children with too few resources in a noisy, dangerous environment. James has seldom had consistently-enforced limits. A psychiatrist says of James in an evaluation, "His feelings surprise him. When something makes him angry, he lashes out with no control. When he wants something, he takes it." James and his mother care for each other, but abuse has made him deeply mistrustful of his father and other adults. The psychiatrist writes, "He is distant and has a poor ability to form relationships." James has always had trouble in school. He repeated two grades. He can barely read. He has never been tested for learning disabilities or considered for special attention. "School has made James dislike himself and need to seek success in other

arenas such as delinquency." Burglary meets many of his needs: his skill at it makes him feel competent; his success gives him popularity with peers which he cannot achieve by building relationships with them, and the proceeds from his crimes raise his standard of living.

How can James be rehabilitated? He has three primary needs, each of which requires special services. First, James needs a strong school program. Since he has had a history of academic failure, engaging him in a school program will require perseverance by staff and a great deal of individual attention. At 15, he needs academic skills as well as vocational programming determined by his abilities and the job market. Second, he needs a close relationship through which he can learn about trust. With this relationship and school success, he will gradually like himself better (which is essential for changing his behavior). It is conceivable that family intervention could enable James' mother to build this

relationship; however, many aspects of the family's impoverished life would have to change. Probably a counselor or trained foster parent is needed to offer this relationship to James. Third, he needs to learn not to act on his feelings impulsively.

What kind of a program can meet the needs of the hundreds of delinquents like James? Ruling out approaches which cannot provide the intensive services James needs, we are left with three options: juvenile institutions, adult institutions, and community-based alternatives.

#### SERIOUS OFFENDERS IN THE JUVENILE JUSTICE SYSTEM

Five years ago the city's Corporation Counsel started a Major Juvenile Offender program. Using a weighting system based on the offense, whether a gun or knife was used, and whether the case had gone to conviction, more than 250 chronic juvenile offenders have been identified in the past five years. Among these serious offenders are:

- a 12-year-old with 25 shoplifting arrests and two convictions
- a 15-year-old with an armed rape and an armed robbery conviction

- a 16-year-old with three burglary convictions and eight other arrests

The program has successfully identified young people with patterns of delinquency. Some are violent offenders, but more often they are young people with a series of property crime arrests. Except for a few cases placed on probation, the identified major juvenile offenders have been committed by judges to the Department of Human Services for rehabilitation. For most of these juveniles, commitment means spending an average of ten months at Oak Hill, a maximum security facility which is one of the city's two juvenile institutions in Laurel, Maryland. Some will be committed for two years to Oak Hill; occasionally, young people, with regular petitions to the court, can be contained there until age 21. A few will be spend their commitment in residential treatment centers where underlying emotional disturbance can be addressed.

The chief of the juvenile section of Corporation Counsel estimates that sometime after their commitment, 85% of these identified chronic juvenile offenders are again prosecuted in the adult or juvenile justice system. If rearrest is used as a measure of failure, only 15% of

the major offenders are rehabilitated. Even at a cost of \$25,000 a year per child, the two juvenile institutions operated by the city do not pretend to provide the individualized program that James and other major offenders need. With two staff on duty for twenty delinquents, we cannot expect much more than babysitting for James. With two psychologists for 160 youth, James cannot have individual therapy. With eight teachers for 160 youth, James' institutional school experience will not differ from his previous academic environments.

After incarceration, James will return to the same housing project, the same classroom, the same job market. The institution will not reach out to his mother; her problems will be no more resolved when James returns home. The institution has inadequate vocational programs, so James will not find himself skilled or interested enough in a trade to seek more training or a job.

In short, the juvenile institution option is expensive and fails to rehabilitate the majority of young people. We spend \$25,000 to keep James off the street for a year. He returns to the community no more likely to be a productive citizen than when he was arrested.

#### HANDLING JUVENILES IN ADULT COURT

Around the country, disenchantment with the rehabilitation offered by the juvenile justice system and increasing concern over serious juvenile offenses has brought us to a turning point in public policy. Most legislatures have considered or passed bills to remove larger and larger segments of the juvenile population to adult court by: lowering the age of adult court jurisdiction; mandating transfer of younger juveniles for expanded categories of crime; and giving juveniles the same penalties as adults. In D.C., one or more of these options is likely to be incorporated into legislation during the next year.

In the District of Columbia, like most states, delinquents under 16 can be waived to adult court by a judge convinced that the juvenile cannot be rehabilitated. In addition, like 13 states, the District of Columbia also permits youth 16 years and older charged with murder, forcible rape, armed robbery, burglary of an occupied building, or assault with intent to commit any of these offenses to be tried as adults, based solely on the decision of the U.S. Attorney.

In 1982, about 160 young people under age 18 will be tried as adults in the District of Columbia. In 1978 when 130 juveniles went into the adult system, the city had the second highest rate of processing juveniles as adults in the country. In D.C., youth tried in adult court can be sentenced to adult probation, under the Youth Corrections Act to Lorton Youth Centers I or II, or to federal facilities. Young people pending trial in adult court are held in a 17-bed unit at D.C. Jail.

Would it be better for James or the community if he were sentenced to Lorton Youth Center instead of Oak Hill, a juvenile facility? We don't know which placement would rehabilitate James more effectively, since the facilities have not been studied comparatively. The Youth Centers are larger (200 and 250 inmates) than Oak Hill (160). The average stay at the Youth Centers is longer: 24 months as compared to 10 months. James will be with young adults up to age 25 at the Youth Centers; at Oak Hill the average age is 16. The proportion of mental health staff is about equal in the facilities. The vocational programs are more substantial at the Youth Centers.

The bottom line is the same: like juvenile facilities, the

adult system does not pretend to remediate childhood problems or create future opportunities. At a cost of \$20,000 a year James can be confined at Lorton. If James commits offenses as an adult, he may spend twenty years or more behind bars before he "ages out" of criminality. The aging out solution of adult corrections is effective protection for the community, but at a staggering cost.

Jerome Miller of the National Center on Institutions and Alternatives has described the identical failures of juvenile and adult facilities and the inappropriateness of both for young people: "Those most in need of care, concern, supervision, or treatment, are placed for the longest terms in the worst juvenile and adult facilities, subject to unspeakable neglect and violence, while those more likely to survive their adolescent years successfully, with or without services, are made heir to the finest of federally funded programs, professional care, psychiatric services, halfway houses, creative sentencing arrangements, etc. The delinquent youngster convicted of a serious crime returns to the streets from his 'treatment' having been confirmed in his perception of a hostile

and predatory world, and more often than not, having been given a 'graduate' training in social deviance and criminal sophistication." Miller concludes that "incarceration is itself, criminogenic, and therefore should be resorted to only as a last resort...with full realization that though it may give respite from an offender's crimes for awhile, it will confirm, reinforce, and escalate later criminal behavior."

#### COMMUNITY BASED PROGRAMS FOR SERIOUS JUVENILE OFFENDERS

An alternative to incarceration in a juvenile or adult facility is to meet the needs of these young people through intensive family-oriented services. Across the country there are a variety of intensive youth programs offering successful community-based rehabilitation. Youth Advocate Programs, Inc., started in Pennsylvania in 1975 in response to the failure of juvenile institutions. In D.C. a branch of the program has 25 young people who have been found guilty of delinquent acts. Juveniles, committed to the program by a judge, are assigned an advocate who spends seven to 30 hours each week with them. "This

relationship becomes the foundation for the development and growth of the youth's strengths within the context of the family and community." An important role of the advocate is to teach the young person to make better decisions. According to YAP staff, "Staying out of trouble means getting assistance to select more positive behaviors with family and peers as these choices occur each day." Some of the young people in YAP are serious offenders.

"Vicky" is a 14-year-old with a long record. Many of her arrests were for stealing things her family needed. Vicky's father is an unemployed alcoholic. Her mother, although concerned about Vicky, has her hands full with a large family. Counseling for the family has been recommended by the court, but no program has successfully involved them. Both parents are hostile toward official interventions because of past allegations that they neglected the children.

Vicky has been in YAP for nearly a year with no additional arrests. The court placed her in a group home to relieve some of the family problems. Her advocate works with her 15 hours a week. The advocate tutors Vicky who is in high school but is far behind



in reading. She arranges a variety of activities through which she can teach Vicky responsibility. She helped Vicky get a job and get into therapy, and has encouraged consistent attendance. The cost to the city: \$375 a month for YAP and \$1,600 a month for the group home, or a total of \$23,700 per year.

"Steven" is a 15-year-old serious offender helped by YAP. He has a record of burglaries and selling drugs. He was outspoken about bad conditions, including physical abuse, at the juvenile institution and was seen by staff there as disruptive. But Steven bloomed with individual attention 30 hours a week from his advocate. His advocate is an ex-offender who does not let Steven get away with manipulating people. The advocate has worked with Steven's mother to help her enforce rules. Another challenge for the advocate is to work out with the public schools an appropriate placement for this bright, underachieving youth far behind his agemates in basic skills. The advocate is with Steven on the street when he is tempted to settle a problem with his fists or is approached to buy drugs. The advocate has involved Steven in sports and other activities, through which he

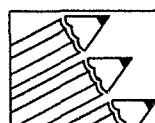
hopes to "get Steven out of his tunnel vision, exposed to more of life than a few street corners and a jail." The cost: about \$600 a month or \$7,200 per year.

Baltimore Family Life Center is another community-based program which uses enriched structural family treatment to help young people and their often disorganized families. Started in 1977, BFLC is one of a number of "normalizing" programs around the country. BFLC staff believe that traditional treatment has been too one-dimensional, and that removing young people from family settings is counter-productive. BFLC strives to offer troubled young people what has enabled their peers to be successful: "socialization, nurturance, validation." By "re-parenting" troubled young people with love, limits, and recognition in normal settings--home and community support systems--BFLC staff say they "turn around young people whom many other programs have failed to reach."

"Darnell" is a 16-year-old violent offender. His family expected him to be mature beyond his years, taking responsibility for the family and doing without nurturance. His serious crime was the result of his protecting the family when it was terrorized. Without the program's

intervention, BFLC staff believe that this young person might be driven to other dangerous activities because of family expectations. BFLC placed Darnell in a therapeutic foster home to allow him to be "resocialized in a normal, stable family." He held a job and functioned normally in school, but in the family he was very dependent and needed constant encouragement. If too much was expected of him, he became extremely immature. When given strict boundaries and allowed to be dependent, he improved. Within a year, his new home was helping him make great progress. The cost: about \$2,450 a month (including the cost of foster care) or \$29,400 per year.

"Tony" is another BFLC serious offender from an inadequate family. According to BFLC staff, Tony is "disconnected from normal family values and the values of the broader community. He does not observe normal boundaries--such as the distinction between something belonging to him and to you. He deserves a chance, but the community also needs protection from him." A staff member is with Tony all the time, teaching him to handle situations in ways which will not damage the community or himself. Tony is



exposed to values he never learned. BFLC goes far beyond the office-based settings of most programs, activating an entire network to give Tony the nurturance and retraining he needs while protecting the community from him. He lives in a therapeutic foster home. Through his grandmother's church he is making new friends ready to help him develop non-criminal interests. A crucial part of the BFLC program is teaching this network to handle Tony. They need to take initiative in building relationships with him, since he has never learned to reach out. They need to be trained to tolerate his continuing mistakes. His reliance on misbehavior to feel competent will not go away overnight, and his support network should expect backsliding. When Tony is helped to find a job, the business will be partially reimbursed for their cooperation in rehabilitating him. They will train Tony and a BFLC staff member will accompany him. Gradually Tony will be able to rely by himself on his new values at work and at home. The cost: about \$3,700 a month (including the cost of a foster home) or \$44,400 per year.

#### CONCLUSION

Juvenile justice expert Paul DeMuro has concluded: "Unfortunately, it has been extremely difficult for the public to place genuine juvenile crime in its proper perspective. A realistic fear of violent crime is mixed with outrage at property crime and a general intolerance of irritating, but basically harmless, adolescent behavior....It must be remembered that delinquency is just one part of our national crime problem. And violent delinquency is a very small part of juvenile crime."

Since 1975 juvenile crime has steadily decreased. This is true despite steeply rising unemployment and increased numbers of families living below the poverty line. Juveniles under 18, who comprise 15% of the D.C. population, are arrested for 18% of the serious crimes against people and 27% of the serious property crimes. National research indicates that serious juvenile offenders generally are not armed, do not victimize the elderly, and do not repeat their violent crimes.

Because of the popular--but outdated and incorrect--view that there is a juvenile crime wave, the city is seriously considering measures to handle more young

people in adult court. This is no way addresses the rehabilitative dilemma posed by young serious offenders. To rehabilitate juvenile offenders, we must take three steps:

- First, we need to develop a reliable method for assessing which juvenile offenders are good risks for community-based interventions, which ones would profit more from institutional rehabilitation, and which ones cannot be rehabilitated. We must collect data on success rates of various approaches.
- Second, instead of the envisioned cutbacks, we need to use increased resources in our juvenile institutions for a smaller number of major offenders. Creative improvements are now underway in these facilities, but they don't stand a chance given the overwhelming needs of the multiproblem youth sent to them.
- Third, we must allocate substantial funds for community-based programs capable of giving serious juvenile offenders the one-to-one attention they need. Some of these programs have a

far better track record for rehabilitation than equally costly institutions, while also protecting the community.

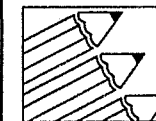
At a cost of usually less than \$30,000 a year for not more than two or three years, we have a good chance of transforming these serious offenders into productive citizens. Or we can throw away \$20,000-\$25,000 a year on juvenile or adult prisons to keep these youth off the streets. This approach will ultimately cost hundreds of thousands of dollars for each serious offender and is not likely to produce a contributing member of society after release. With today's great interest in increasing the number of "tax earners" and decreasing the number of "tax burners," rehabilitation through community-based programs is a compelling alternative.

## Journalism Fellows

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1976		
DAVID BEDNAREK	<i>The Milwaukee Journal</i> Milwaukee, WI	Desegregation
MICHAEL BOWLER	<i>The Sun</i> Baltimore, MD	Textbook Selection
HELEN CARRINGER	<i>The Beacon Journal</i> Akron, OH	Parent Power
JAMES A. KILLACKY	<i>The Daily Oklahoman</i> Oklahoma City, OK	Teacher Unions
JACQUELYN KING	<i>WRR News Radio</i> Dallas, TX	Testing
ANDREW MILLER	<i>The Kansas City Star</i> Kansas City, KS	Testing
LAEL MORGAN	<i>Tundra Times</i> Fairbanks, AK	Bilingual Education
LINDA STAHL	<i>The Courier-Journal</i> Louisville, KY	Basic Skills
STANLEY WELLBORN	<i>U.S. News &amp; World Report</i> Washington, DC	Federal Education Policy
1977		
CONSTANTINE ANGELOS	<i>The Seattle Times</i> Seattle, WA	Basic Skills
MURIEL COHEN	<i>The Boston Globe</i> Boston, MA	Teacher Education
REBECCA KUZINS	<i>The Muskegon Chronicle</i> Muskegon, MI	Special Education
LORENZO MIDDLETON	<i>The Washington Star</i> Washington, DC	Desegregation
CYNTHIA PARSONS	<i>The Christian Science Monitor</i> Boston, MA	School Finance
WAYNE F. REILLY	<i>The Bangor Daily News</i> Bangor, ME	Competency Based Testing
DALE ALAN RICE	<i>The Post-Standard</i> Syracuse, NY	Magnet Schools

Since 1976 The Institute for Educational Leadership has administered The Fellows in Education Journalism Program, enabling journalists to conduct studies of education and related social issues. Journalists who have participated in this Fellowship program and their study topics are listed by year.





1978		
HUNTLY COLLINS	<i>The Oregonian</i> Portland, OR	Gifted & Talented Education
JIMMIE COVINGTON	<i>The Commercial Appeal</i> Memphis, TN	Competency Based Testing
JOE DONOVAN	<i>KYW News Radio</i> Philadelphia, PA	Basic Skills
GARY FIFE	<i>United Indian Planners News</i> Washington, DC	Indian Education
ROBERT FRAHM	<i>The Journal Times</i> Racine, WI	Competency Based Testing
DIANE GRANAT	<i>Chicago Daily Herald</i> Arlington Heights, IL	Parent Power
SAUNDRA IVEY	<i>The Tennessean</i> Nashville, TN	School Finance: Tax Revolt Issues
RICK JANKA	<i>The Milwaukee Sentinel</i> Milwaukee, WI	Achieving Quality Education
ROSA MORALES	<i>KCET Television</i> Los Angeles, CA	Desegregation
ETHEL PAYNE	<i>St. Louis Sentinel</i> St. Louis, MO	Black Colleges
DONALD SPEICH	<i>Los Angeles Times</i> Los Angeles, CA	Effect of Proposition 13
MONTE TRAMMER	<i>The Sun</i> Baltimore, MD	Declining Enrollments and School Closing
LINDA WILLIAMS	<i>Daily Herald/South Mississippi Sun</i> Biloxi, MS	School Finance Patterns in the South



1979*		
ROBERT BENJAMIN	<i>Cincinnati Post</i> Cincinnati, OH	Educating Low-Income Students
JOHN CUMMINS	<i>The Salt Lake Tribune</i> Salt Lake City, UT	Education in High-Growth Areas
CHRISTIE DUNPHY	<i>The Evening Gazette</i> Worcester, MA	Declining Enrollment in High Schools
CHARLES HARDY	<i>The Charlotte Observer</i> Charlotte, NC	Black Achievement/Operation Push

WISTA JOHNSON	<i>The New York Amsterdam News</i> New York, NY	Health Education in Urban Schools
MARK LIFF	<i>New York Daily News</i> New York, NY	Education of Indochinese Refugees
BETTE ORSINI	<i>St. Petersburg Times</i> St. Petersburg, FL	Suicide/Depression on College Campuses
BARBARA REINHARDT	<i>Options in Education</i> National Public Radio Washington, DC	Teenage Pregnancy and the Schools
LINDA WERTSCH	<i>Chicago Sun-Times</i> Chicago, IL	Teacher Accountability
FRAN ZUPAN	<i>The Columbia Record</i> Columbia, SC	Sex Barriers in Job Preparation
JANE EISNER	<i>The Virginia-Pilot</i> Norfolk, VA	What's Effective in Virginia's Integrated Schools
JACK KENNEDY	<i>The Lincoln Journal</i> Lincoln, NE	Rural vs. Consolidated Districts: What's Effective in Nebraska
JANET KOLODZY	<i>Arkansas Democrat</i> Little Rock, AR	What's Effective in Arkansas Schools
MARGO POPE	<i>The Florida Times-Union</i> Jacksonville, FL	What's Effective in Florida's Suburban Schools
WAYNE REILLY	<i>Bangor Daily News</i> Bangor, ME	What's Effective in the Rural Schools of Maine
M. WILLIAM SALGANIK	<i>The Sun</i> Baltimore, MD	Academic Achievement in Urban Schools: What Works in Baltimore
ROBERT BENJAMIN	<i>The Cincinnati Post</i> Cincinnati, OH	Towards Effective Urban Schools: A National Study

\* In 1979, one group of Fellows looked at general education issues; a second group focused on "What Makes Effective Schools?"

## 1980-81

MEA ANDREWS	<i>Missoulian</i> Missoula, MT	Middle Schools in Montana
LINDA AUSTIN	<i>Dallas Times Herald</i> Dallas, TX	How High Schools Serve Minorities in Texas



JOHN MCMANUS	<i>The Ledger-Star</i> Norfolk, VA	How Inner City Schools Work for Minority Children
ELIZABETH OLDER	<i>Charleston Daily Mail</i> Charleston, WV	From Coal Mines to Gifted Education
CAROL RUBENSTEIN	<i>Oregon Journal</i> Portland, OR	How Elementary Schools Work for Four Different Minority Groups
STEPHANIE SEVICK	<i>The Hartford Courant</i> Hartford, CT	Schools That Work in "Gold Coast" Towns
PATRICIA SULLIVAN	<i>Sun Sentinel</i> Fort Lauderdale, FL	Schools That Serve the Gifted in Florida
<b>1982</b>		
CHARLOTTE GRIMES	<i>St. Louis Post-Dispatch</i> St. Louis, MO	Girls and the Law
WILEY HALL	<i>The Evening Sun</i> Baltimore, MD	Getting Tough with Violent Juvenile Offenders
LESLIE HENDERSON	<i>The Knoxville Journal</i> Knoxville, TN	Violent Juvenile Crime in East Tennessee: A Family Perspective
ANDREW PETKOFSKY	<i>The Richmond News Leader</i> Richmond, VA	Locks and Lessons: Virginia's Reform Schools
WOODY REGISTER	<i>The Tennessean</i> Nashville, TN	Juvenile Incarceration and Alternatives in Tennessee
GARY STRAUSS	<i>The Idaho Statesman</i> Boise, ID	Juvenile Justice in Idaho



**END**