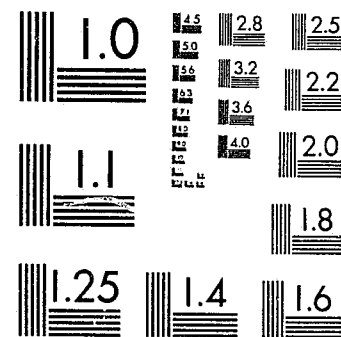


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# An Assessment of Juvenile Justice System Reform In Washington State

VOLUME V

DIVESTITURE OF COURT JURISDICTION OVER STATUS OFFENSES

U.S. Department of Justice  
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MARCH 1983

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# DIVESTITURE OF COURT JURISDICTION OVER STATUS OFFENSES

Volume V of the Assessment of Washington's Juvenile Justice Code

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Funding for this research and report was provided by Grant No. 79-JN-AX-0028 to the Institute of Policy Analysis from the Law Enforcement Assistance Administration, OJJDP/NIJJDP, Department of Justice, Washington, D.C. Points of view or opinions stated in this document are those of the authors and do not necessarily represent the official position or policies of the Department of Justice.

## PREFACE

The Washington juvenile justice code is the most unusual and innovative change that has occurred in the juvenile system of any state since the historic court decisions of the late 1960's. Based on the philosophical principles of justice, proportionality, and equality the legislation seeks to establish a system that is capable of holding juveniles accountable for their crimes and a system that, in turn, can be held accountable for what it does to juvenile offenders. The legislation is an articulate and faithful representation of the principles of "justice" and "just deserts."

Consistent with those philosophical principles, the reform of Washington's juvenile system involves proportionate decision-making standards for intake and sentencing; the provision of full due-process rights; and the elimination of all court jurisdiction over non-criminal misbehavior (status offenses).

An assessment of the implementation and consequences of the implementation and consequences of the reform in Washington's juvenile justice system was funded by the National Institute of Juvenile Justice and Delinquency Prevention. This report is one of several which contains information about the impact of the legislation. Reports produced by the study are:

"Executive Summary: The Assessment of Washington's Juvenile Justice Reform" (Schneider and Schram, Vol. I).

"A Justice Philosophy for the Juvenile Court" (Schneider and Schram, Volume II)

"A Comparison of Intake and Sentencing Decision-Making Making Under Rehabilitation and Justice Models of the Juvenile System (Schneider and Schram, Vol. III)

"Sentencing Guidelines and Recidivism Rates of Juvenile Offenders" (Schneider, Vol. IV)

"Divestiture of Court Jurisdiction over Status Offenses" (Schneider, McKelvey and Schram, Vol. V)

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We would especially like to thank the law enforcement officers, prosecutors, juvenile court administrators, crisis intervention workers, directors of regional crisis residential centers, judges, defense attorneys, and directors of diversion unity, who participated in the interview phase of this research. Without their cooperation and professional contributions, this assessment effort would not have been possible.

## ACKNOWLEDGEMENTS

Many people assisted in the design or implementation of this study and contributed to the successful data collection upon which the findings are based. Special thanks go to all of the following persons without whose assistance this study could never have been completed.

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## CHAPTER 1. STATUS OFFENDERS: POLICY PERSPECTIVES AND RESEARCH ISSUES

### Introduction

The Washington (state) legislature repealed virtually all sections of its juvenile justice code in April, 1977 and adopted in its place a far-reaching reform bill that called for substantial change in the practices and philosophy of the state's juvenile justice system. Of the many significant changes brought about by the law, two are of primary concern in this volume: the removal of status offenses from the jurisdiction of the juvenile court, and the establishment of a voluntary service delivery system for status offenders within the state Department of Social and Health Services (DSHS).

Washington's approach to the problems of dealing with status offenders is important for three reasons.<sup>1</sup> First, even though many states have sought to deinstitutionalize status offenders and divert them from the juvenile court, the complete divestiture of court authority is a far more significant departure from the traditional philosophy of the juvenile court. The fact that most national task forces and national standards commissions have recommended divestiture of court jurisdiction, whereas only two states, Washington and Maine, have moved significantly in that direction, attests to the complexity and arduousness of the change.<sup>2</sup> Second, the original Washington reform bill that went into effect in July, 1978, bears strong resemblance to the approach recommended in the Standards for Noncriminal Misbehavior developed by the Institute of Judicial Administration and the American Bar Association.<sup>3</sup> Thus, Washington's experience with the change may represent a test of the divestiture concept itself, as well as a test of the particulars incorporated in the IJA/ABA approach. Third, amendments to the Washington law passed in 1979 and 1981 were designed to resolve some of the

problems that arose as an apparent result of the initial law. For these reasons, the Washington experience possibly can shed some light on the efficacy of various statutory strategies that might be used to remove these youths from the coercive aspects of the system without producing unintended negative side effects.

The purpose of this chapter is to review the issues that have arisen regarding three major status offender policies (divestiture, diversion, and de-institutionalization) and to examine the consequences of these policies when they have been used in other states.

#### Status Offender Policies

Attempts to reduce the extent of coercive control over status offenders are not, of course, confined to the state of Washington.<sup>4</sup> The impetus for change began in 1974 when Congress created the Office of Juvenile Justice and Delinquency Prevention (OJJDP) with a specific mandate to bring about the removal from secure confinement youths whose offenses would not be crimes if committed by an adult. Since that time, numerous projects at the local and state level have been sponsored by the federal agency and many states have altered their laws or practices or both to be in compliance with the 1974 Congressional Act, its amendments, and the OJJDP guidelines.<sup>5</sup> Efforts to bring about fundamental changes in the way juvenile justice systems respond to status offense cases have taken several different forms.

One of these, deinstitutionalization, refers to the removal from secure confinement of youths whose only infractions are status offenses. In most states, deinstitutionalization was attempted through a two-step process in which courts were first restricted in their ability to commit status offenders to state institutions and subsequently were restricted in the use of short-term detention.<sup>6</sup> In conjunction with deinstitutionalization, many areas also adopted a policy of diverting status offense cases from juvenile court intake or processing into some other service delivery system. Diversion sometimes involved crisis intervention services provided by social service agencies or increased reliance on law enforcement to resolve status offense incidents without any subsequent referrals. A third approach, divestiture, refers to the removal of status offense cases from the jurisdictional authority of the juvenile court. Regardless of the specific approach chosen, the intent almost always has been twofold: to reduce or eliminate the degree of coercive control exercised over these youths by official agents of the

justice system and, simultaneously, to insure that children who are in need of assistance are not left to their own devices and ignored. Accordingly, many of the programs and changes in state laws have included efforts to provide crisis intervention services, alternative nonsecure residential facilities, and follow-up services, if needed.

Several techniques have been employed to implement the programs and policy changes. An absolute mandate, such as an outright prohibition against commitment of status offenders to state institutions, has been used in some instances, whereas in others, restrictions based on criteria or standards have been tried. These standards generally indicate the conditions under which status offense cases are to be handled in particular ways. Even the federal guidelines do not contain absolute prohibitions against local secure confinement, as status offenders can be detained for 24 hours under certain conditions. Another approach is to combine mandates or restrictions regarding secure confinement with "inducements" of various types for the juvenile justice agencies to utilize alternatives to the traditional system. Most commonly, this has been the provision of alternative services or nonsecure residential facilities.

#### Policy Rationales

Supporters of deinstitutionalization, diversion, and divestiture generally agree that a primary goal is to remove the injustice created when youths who have not violated the law are confined in secure facilities and thereby deprived of their liberty. The motivating factor for Congressional enactment of the 1974 act was described in these terms by the OJJDP deinstitutionalization program guidelines:

The primary bases of Congress' concern about secure confinement of status offenders comes not from complete findings about the effects of institutionalization on youths or on reduced or increased

recidivism rates, but rather from moral repugnance of the incarceration of young persons who have not committed crimes.<sup>7</sup>

Another argument often given in support of the move toward reducing the contact between status offenders and the juvenile court is based on the notion that this will reduce the likelihood of subsequent delinquency and status offenses. Labeling theory provides one (of several) possible reasons for this expectation.<sup>8</sup> Many other rationales have been put forth in support of the changes: some have suggested that it will be less costly to handle status offenders outside of the system; some believe that services from a nonjustice agency will be more appropriate and more effective; and, in the state of Washington, the contention has been made that the change will promote family unity and result in fewer status offenders being placed outside of their homes.<sup>9</sup>

In spite of the fact that proponents of the three approaches can agree on some of the goals for reducing or eliminating the contact between status offenders and the juvenile court, there are substantial areas of disagreement among them. In particular, those who support divestiture tend to believe that there should be absolute prohibitions against confinement and, additionally, that status offenders should not be required to participate in court-ordered treatment or rehabilitation programs. Most of those who support the divestiture approach, in fact, contend that providing social services should not be the business of the juvenile court.

Disagreement also exists about the importance of social services, even when the services are offered on a voluntary basis by nonjustice agencies. It is likely that most practitioners and many public officials believe these services are essential, but an increasing number of persons are concerned about "widening the net." Malcolm Klein, drawing on his experiences in evaluating numerous diversion and deinstitutionalization programs, put it this way: "To



most people, help offered within the context of the justice system is suspected of having little impact; help offered in an alternative context ... is 'known to' be effective."<sup>10</sup> He continues by offering the following rebuttal to those who wish simply to shift the rehabilitative emphasis and treatment orientation from the court to some other agency:

There is a danger that the attempt to remove young offenders from the juvenile justice system may do so merely by inserting them into another system which might be characterized as the mental health, welfare, or social service system. So long as it is felt the diverted offenders or deinstitutionalized offenders, need services or treatment when we turn them away from the justice system, then ipso facto we are inserting them into an alternative system which may be equally pervasive or encapsulating. (Emphasis in the original.)<sup>11</sup>

Opposition to the nationwide movement toward reducing or eliminating court authority over status offenses comes from three rather distinct groups. One is comprised of persons who believe that status offenses denote "predelinquent" behavior and that treatment is needed to halt an otherwise inevitable progression to delinquency. This view, when combined with the notion that persons most in need of treatment will be least likely to seek it in a voluntary service-delivery system, logically results in the contention that the juvenile court should continue to handle status offenses in an authoritative manner. As Judge Lindsay Arthur said:

Status offenses are an indication of some serious trouble ... this is the place where we can help, where we can and should provide compulsory help if the family is not willing to seek help. This is the place where we can reduce the crime rates of the future.<sup>12</sup>

Another group of opponents ground their arguments in the rehabilitative philosophy of the juvenile court and argue that the needs of status offenders do not differ from the needs of delinquents. There are very few "pure" status offenders, according to this point of view. Rather, most are youths with a mixture of problems, including some delinquent offenses.<sup>13</sup> From this perspective, the argument is made that it does not make sense for the juvenile

court to treat the youth for his or her delinquent condition whereas some other agency simultaneously is expected to treat the same youth for his or her status conditions. If, as this point of view holds, both conditions arise from the same fundamental, underlying problems, then the youth could be treated by one system, the juvenile court, rather than by both.

A third perspective is far more cognizant of the practical and political realities encountered when seeking social services for segments of the population that are not held in particularly high regard by policy makers or the public. These persons do not oppose deinstitutionalization, diversion, or divestiture, per se, but oppose a premature shift of services from the juvenile court to some other agency. Justine Wise Polier outlined this point of view in her dissent from the IJA/ABA Standards on Noncriminal Misbehavior:

Unfortunately, the proposed standards, like other statements supporting diversion from the courts, place primary emphasis on 'dejudicalization of status offenders.' This purpose is not matched by positive plans or requirements for creating alternative, accessible, and appropriate services... While I concur in the support for increased alternative services that can be used voluntarily, the premature ending of juvenile court jurisdiction before there is a growth of such services will only lead to losing sight of children and families most in need of services.<sup>14</sup>

The point here is that if one wishes to insure services for status offenders, it may be advisable to moderate the policies so that agencies already providing such services can continue to do so until the alternatives have been established and gained sufficient political and public support that they can survive.

#### Review of Previous Studies

The 1974 Congressional Act and the subsequent initiatives undertaken by OJJDP have had dramatic impacts on state laws and local practices, but numerous problems have arisen, most of them produced by unintended or unexpected reactions to the policies by the various agencies that comprise the

juvenile justice system.

At the risk of gross oversimplification, selected results from studies of 11 status offender programs have been summarized and are presented in Figure 1. Eight of the studies were conducted as part of the national or local evaluation of the QJJD-funded status offender programs, most of which began in 1976.<sup>15</sup> Results from a study of New Jersey's state legislation, Teilmann and Klein's study of California's experience with AB3121, and highly preliminary information from the state of Maine also are included.<sup>16</sup> Although it is apparent from Figure 1 that the intended effects were observed in many of these jurisdictions, it also is the case that in at least some instances, detention rates went up, rather than down, after the presumed deinstitutionalization policy had been put into effect; that institutional commitments did not usually reduce to zero in spite of policies that apparently should have had this effect; and that referrals to juvenile courts increased in some places even though programs designed to divert these youths were operative and filled with clients.

"Net widening," as indicated by an expanded number of cases entering the juvenile justice and care system, was attributed in some places to changes in the way law enforcement agencies handled status offense cases. In Connecticut, for example, social services became available to status offenders, but only if the youths were detained. It is possible that the increase in detention was produced by law enforcement officials referring a larger number of youths to detention for the purpose of linking them with these services. A similar explanation has been offered for the increased detention in Maine. The type of net widening that occurred in Spokane as a result of the 1976 federally-funded project differed somewhat in that a decrease in court-referred status offense cases was observed, but the noncourt service

Figure 1. Summary of Results from Changes in Status Offender Policies<sup>1</sup>

Program/Policy	Law Enforcement Custody/Arrest of Status Offenders	Referrals to Juvenile Court; Formal Processing	Local Secure Detention	Commitment to State Insti- tutions	Relabeling	Net-Widening
<u>Federal DSO Projects</u>						
Pima Co., AZ		Decreased	Decreased	No Change	No	No
Alameda Co., CA	Continued	Decreased	Decreased	Unknown	No	No
Connecticut			Increased	Continued Downward		No
Delaware			Up Slightly	Decreased		No
Illinois	Increased	Increased	Decreased	No Commitments (Prohibited)		Yes
S. Carolina			Increased	No Change or Increase		Yes
Spokane Co., WA	Increased	Continued Downward	Continued Downward	Decreased	Possibly: up & down	Yes
Clark Co., WA	No Change	No Change	Decreased	Decreased	No	No
<u>State Laws</u>						
New Jersey		No Change	Decreased	Decreased	Yes: up	
California	Decreased	Decreased			Yes: up & down	No
Maine	Increased	Decreased	Increased	Decreased		Yes

<sup>1</sup>Information in this table was compiled from several different sources. See footnotes 15 and 16 for more details.

was not attributed to the prohibition against detention, but to the fact that in Alameda county, however, the drop in cases handled by law enforcement

A ... problem is likely to arise in jurisdictions operating under juvenile statutes that definitively prohibit the use of secure detention for status offenders. These statutes ... are often phased in long before there has been opportunity to develop alternative facilities. In these circumstances the police and the courts may be constrained to resolve the problem by refusing to deal with status offense cases. This may well result in a situation of massive neglect, with the unintended consequence in many cases of a possible escalation of minor misbehavior to serious delinquency (p. 31, Volume 61.1)

as follows:

explained in the national evaluation report prepared by Kobrin and Klein, is enforcement agencies. This was not entirely unexpected. The rationale, as jurisdictions reported decreases in the number of cases handled by law offenders were observed in several places, approximately an equal number of Although increases in law enforcement custody or referral of status

"self-referrals" might become apparent.

an increased reliance on nonjustice referrals (i.e., walk-ins or that it has sufficient clients to justify its level of funding and, if needed, enforcement.<sup>18</sup> Obviously, there might be an incentive for an agency to insure was attributed to the service delivery agencies rather than to law In other situations, South Carolina for example, the net widening effect

service program.

offenders and increased referrals of these youths to the court and/or the apparently the result of increased law enforcement contacts with status by "outreach" efforts of the social service agency, however, but was the court or the service program, or both.<sup>17</sup> This increase was not produced in the total number of status offense cases coming to the attention of either The result was a substantial increase over the first six months of the program program received far more clients than were being diverted from the court.

the officers were required to take the youths to an alternative program rather than to probation. "Police can accept the lack of juvenile hall better than they can diversion to other agencies," the authors explained, "they (the police) want to know that probation will always be there."<sup>22</sup> In a broader context, Teilmann attributed the decline in law enforcement custody and referral of status offenders throughout California after AB3121 to a lack of control.

Police usually feel that justice system control is needed as a deterrent to further offenses. Control ... is at the heart of most practitioners' philosophies on the treatment of status offenders and the authority to control was completely removed. The philosophical basis for dealing with status offenders was therefore removed and as a large extent practitioners ceased to handle status offenders at all (Teilmann, 1980:9).<sup>21</sup>

Another unintended consequence of removing status offenders from the juvenile court has been a redefinition of behavior; generally designated in the literature as "relabeling." Several types of relabeling have been reported, including redefining status offenders as delinquents or as dependents or as youths suffering from mental or emotional disorders sufficient to justify institutionalization. The extent of this phenomena is not yet known, but Paul Lerman's study of institutionalization is a rather discouraging portrait of trends in this area.<sup>22</sup> Findings from California also are not especially encouraging for those who advocate reduced reliance on secure confinement of juveniles.<sup>23</sup>

Definitive answers are not yet available as to why the policies and programs have not always produced the intended results, nor do we understand the conditions under which different results might be expected to emerge. What is clear, however, is that it has been very difficult to develop policies which can reduce or eliminate coercive intervention by the juvenile justice system; provide for effective, appropriate services; and also avoid a host of

program received far more clients than were being diverted from the court. The result was a substantial increase over the first six months of the program in the total number of status offense cases coming to the attention of either the court or the service program, or both.<sup>17</sup> This increase was not produced by "outreach" efforts of the social service agency, however, but was apparently the result of increased law enforcement contacts with status offenders and increased referrals of these youths to the court and/or the service program.

In other situations, South Carolina for example, the net widening effect was attributed to the service delivery agencies rather than to law enforcement.<sup>18</sup> Obviously, there might be an incentive for an agency to insure that it has sufficient clients to justify its level of funding and, if needed, an increased reliance on nonjustice referrals (i.e., walk-ins or "self-referrals") might become apparent.

Although increases in law enforcement custody or referral of status offenders were observed in several places, approximately an equal number of jurisdictions reported decreases in the number of cases handled by law enforcement agencies. This was not entirely unexpected. The rationale, as explained in the national evaluation report prepared by Kobrin and Klein, is as follows:

A ... problem is likely to arise in jurisdictions operating under juvenile statutes that definitively prohibit the use of secure detention for status offenders. These statutes ... are often phased in long before there has been opportunity to develop alternative facilities. In these circumstances the police and the courts may be constrained to resolve the problem by refusing to deal with status offense cases. This may well result in a situation of massive neglect, with the unintended consequence in many cases of a possible escalation of minor misbehavior to serious delinquency (p. 31, Volume I).<sup>19</sup>

In Alameda county, however, the drop in cases handled by law enforcement was not attributed to the prohibition against detention, but to the fact that

the officers were required to take the youths to an alternative program rather than to probation. "Police can accept the lack of juvenile hall better than they can diversion to other agencies," the authors explained, "they (the police) want to know that probation will always be there."<sup>22</sup> In a broader context, Teilmann attributed the decline in law enforcement custody and referral of status offenders throughout California after AB3121 to a lack of control.

Police usually feel that justice system control is needed as a deterrent to further offenses. Control ... is at the heart of most practitioners' philosophies on the treatment of status offenders and the authority to control was completely removed. The philosophical basis for dealing with status offenders was therefore removed and to a large extent practitioners ceased to handle status offenders at all (Teilmann, 1980:9).<sup>21</sup>

Another unintended consequence of removing status offenders from the juvenile court has been a redefinition of behavior; generally designated in the literature as "relabeling." Several types of relabeling have been reported, including redefining status offenders as delinquents or as dependents or as youths suffering from mental or emotional disorders sufficient to justify institutionalization. The extent of this phenomena is not yet known, but Paul Lerman's study of institutionalization is a rather discouraging portrait of trends in this area.<sup>22</sup> Findings from California also are not especially encouraging for those who advocate reduced reliance on secure confinement of juveniles.<sup>23</sup>

Definitive answers are not yet available as to why the policies and programs have not always produced the intended results, nor do we understand the conditions under which different results might be expected to emerge. What is clear, however, is that it has been very difficult to develop policies which can reduce or eliminate coercive intervention by the juvenile justice system; provide for effective, appropriate services; and also avoid a host of

unintended, unwanted, negative side effects.

The Washington approach differs from those described in Figure 1 in that it is closer to complete divestiture than any of the programs reviewed here, with the possible exception of Maine. Also, the amendments to the law, passed in 1979, offer an opportunity to explore the response of agencies to several different policy strategies within the overall framework of a divestiture approach. Expectations regarding the effect of the Washington law require a rather thorough grounding in the details of the Washington approach and therefore, the next chapter contains detailed information about the provisions in the law.

## CHAPTER 2. ANALYSIS OF THE WASHINGTON DIVESTITURE LAW

The 1978 reform legislation in Washington removed court jurisdiction over status offenses, altered the role of law enforcement in handling status offense incidents, and established a new service delivery system within the state Department of Social and Health Services. Virtually every agency involved with these youths had to change its operations and, in some instances, develop new programs and facilities. Figure 2 contains a point-by-point comparison of the Washington code in five distinct time periods beginning with the law as it existed before Washington's first effort at reform (which occurred in 1976) and extending through the 1981 amendments.

### COURT JURISDICTION

The purpose of the juvenile court, according to Washington's 1913 law, was "to provide for the care, custody, and discipline of delinquent and dependent children that would approximate that which should be given by their parents."<sup>26</sup> The code resembled that of most other states and shared the same philosophical bases: Children who committed crimes or misbehaved were assumed to be the product of a bad home or a deprived social environment or were thought to be in need of sterner discipline than that which could be given by their parents. The juvenile court, according to this philosophy, had the right and duty to intervene so that it could provide rehabilitative services that would socialize the child into the values of society and prevent the inexorable progression to more serious delinquent acts or to a life of adult crime.

Figure 2. Summary of Changes in the Status Offender Provisions of the Washington (State) Juvenile Justice Code

Topic	PRE-REFORM		1978 Code (HB 371)	POST-REFORM	
	Pre-1976	1976 Amendments (SB 3116)		1979 Amendments (SB 2768)	1981 Amendments
<u>1. Juvenile Court Jurisdiction<sup>1</sup></u>					
Noncriminal behavior over which juvenile court authority extends <sup>2</sup>	<ol style="list-style-type: none"> <li>1. Runaways</li> <li>2. Incurrigibles</li> <li>3. Truants</li> <li>4. Curfew</li> <li>5. Other predelinquent</li> </ol>	<ol style="list-style-type: none"> <li>1. Runaways</li> <li>2. Incurrigibles</li> <li>3. Truants</li> <li>4. Curfew</li> <li>5. Other predelinquent</li> </ol>	<p>Youths who are:</p> <ol style="list-style-type: none"> <li>1. In conflict with their family, and</li> <li>2. refuse to remain in a nonsecure facility, and</li> <li>3. show a substantial likelihood of degenerating into delinquent behavior, and</li> <li>4. are in need of custodial treatment.</li> </ol>	No jurisdiction	Youths who have run away from a court-ordered placement
<u>2. Juvenile Court Dispositions</u>					
Options available for juveniles found "guilty" of a status offense	<p>All dispositions were available:</p> <ol style="list-style-type: none"> <li>1. Commitment to DSHS</li> <li>2. Local secure confinement</li> <li>3. Court-ordered services or placements</li> <li>4. Probation</li> </ol>	<p>For incurrigibles, commitments were restricted to 30 days of diagnosis and treatment. For all others, commitments were prohibited and the dispositions were limited to:</p> <ol style="list-style-type: none"> <li>1. Local secure confinement</li> <li>2. Court-ordered services or placements</li> <li>3. Probation</li> </ol>	<p>For youths meeting the conditions described above, 30 days of commitment to DSHS for diagnosis and treatment were permitted</p>	None (No jurisdiction)	<p>For youths found guilty of contempt for running away from a court-ordered placement, seven days of local detention can be imposed</p>

Figure 2. (Continued)

Topic	PRE-REFORM		POST-REFORM		
	Pre-1976	1976 Amendments (SR 3116)	1978 Code (HB 371)	1979 Amendments (SB 276A)	1981 Amendments
<u>3. Secure Detention</u>	Permitted	Permitted	24 hour maximum and restricted to youths who: 1. Had run away from a nonsecure residential facility & who might do so again; 2. Refused placement in a nonsecure facility & refused to return home or to other suitable place; 3. Were seriously, emotionally disturbed	Same as 1978	24 hour maximum and restricted to youths who: 1. Had run away from a nonsecure residential facility & who might do so again; 2. Refused placement in a nonsecure facility & refused to return home or to other suitable place; 3. Were charged with contempt after running away from a court-ordered placement
<u>4. Law Enforcement</u>					
<u>Custody/</u> <u>Authority</u> <sup>1</sup>					
Noncriminal behavior subject to arrest/custody by law enforcement <sup>2</sup>	1. Runaways 2. Incorrigibles 3. Truants 4. Curfew 5. Other predelinquent	1. Runaways 2. Incorrigibles 3. Truants 4. Curfew 5. Other predelinquent	1. Reported runaways 2. Youths in "substantial" and "immediate" danger 3. Truants 4. Youths meeting the 4 conditions specified in Item 1 (above)	1. Reported runaways 2. Youths in serious danger 3. Truants	1. Reported runaways 2. Youths in serious danger 3. Truants



Figure 2. (Continued)

Topic	PRE-REFORM		POST-REFORM		
	Pre-1976	1976 Amendments (SB 3116)	1978 Code (HB 371)	1979 Amendments (SB 2768)	1981 Amendments
5. Law Enforcement <u>Criteria for Custody Deci- sions</u>	Discretion	Discretion	Discretion: "may" take into custody	Required: "Shall" take into custody	Required: "Shall" take into custody
6. Law Enforcement <u>Dispositional Options</u>	1. Release to parents, relatives, guardian 2. Release to respon- sible adult 3. Refer to social ser- vices or residen- tial care 4. Counsel and release 5. Take to detention	1. Release to parents, relatives, guardian 2. Release to respon- sible adult 3. Refer to social ser- vices or residen- tial care 4. Counsel and release 5. Take to detention	1. Release to parents, relatives, guardian 2. Release to respon- sible adult 3. Refer to CIS or CRC 4. Counsel and release	1. Release to parents, relatives, guardian 2. Release to respon- sible adult 3. Refer to CIS or CRC 4. Counsel and release	1. Release to parents, relatives, guardian 2. Release to respon- sible adult 3. Refer to CIS or CPC 4. Counsel and release
7. Law Enforcement <u>Criteria for Disposition Options</u>	"Shall" take to court <sup>3</sup>	"Shall" take to court <sup>3</sup>	Make every effort to ad- just; take to CRC as last resort	Discretion	Discretion

<sup>1</sup> Court jurisdiction and law enforcement custody authority also extend to "dependency" cases of neglect, abuse, abandonment; but, these youths cannot be detained in secure facilities.

<sup>2</sup> In the pre-1978 law, definitions of behaviors and youth over whom the court had jurisdiction were quite vague. The words shown here for the pre-1978 periods are intended as a summary. The post-371 language is much more specific.

<sup>3</sup> Although the old legislation contained a requirement that law enforcement immediately take all juveniles to the juvenile court, this was not the practice in any area of the state.

Court jurisdiction extended to:

... any child who is found violating any law or ordinance, or who is reasonably believed to be a fugitive from his parents or from justice, or whose surroundings are such as to endanger his health, morals, or welfare, unless immediate action is taken.<sup>27</sup>

Court authority also was extended over any child who was "dependent,"

which included:

- ... a child who has no home or any settled place of abode ...
- ... whose home is an unfit place...
- ... who is incorrigible...
- ... who is in danger of being brought up to lead an idle, dissolute, or immoral life...
- ... who wanders about in the nighttime without being on any lawful business or occupation...<sup>28</sup>

Before Congressional passage of the 1974 Juvenile Justice and Delinquency Prevention Act, the Washington legislature prohibited courts from placing abused, neglected, or abandoned children in institutions, but they had not met the conditions specified in the 1974 act, namely:

... juveniles who are charged with or who have committed offenses that would not be criminal if committed by an adult, shall not be placed in juvenile detention or correctional facilities, but must be placed in shelter facilities.<sup>29</sup>

Legislation passed in 1976 (Senate Bill 3116) restricted the ability of juvenile courts to institutionalize status offenders, but incorrigibles still could be committed to the state Department of Social and Health Services for up to 30 days of diagnosis and treatment. And, the Senate bill of 1976 did not address the fact that status offenders commonly were held in secure detention facilities at the local level.

House Bill 371 adopted in April, 1977, acutely restricted custody and detention of status offenders, but it stopped short of complete divestiture leaving in the new law a set of conditions under which status offenders could be committed to DSHS for 30 days of treatment and diagnosis. The conditions involved a youth who:

...is in conflict with his or her parent, guardian, or custodian ... who refuses to remain in any nonsecure residential placement ordered by the court... Whose conduct evidences a substantial likelihood of degenerating into serious delinquent behavior if not corrected; and who is in need of custodial treatment in a diagnostic and treatment facility.<sup>30</sup>

It was generally understood that all four of the conditions had to be met before the youth could be committed.

House Bill 371 became effective July 1, 1978 and was amended in the next legislative session. Collectively referred to as Senate Bill 2768, the amendments clarified many parts of the law, but the procedures for handling status offenders were entirely rewritten. Of special importance is the fact that the final remnants of the old law, quoted above, which permitted court jurisdiction and commitment were repealed. Thus, by 1979, the Washington law contained, in effect, a prohibition against the commitment or formal processing of a youth whose sole infraction was a status offense.

Controversy over the status offender provisions did not end with the 1979 amendments, however, and in the 1981 session these portions of the law were once again rewritten almost in their entirety. Many changes were made in the alternative residential placement (ARP) procedures. This is a type of no-fault process, first introduced in the 1978 law, that can be invoked by parents, children, or by DSHS to settle conflicts regarding where a child will live. The ARP provisions in the initial reform legislation were drawn directly from the IJA/ABA standards. The purpose was to permit children or their parents to petition the court for a placement decision when the youth and family could not reach agreement. Judges were instructed to give highest priority to the preferences of the child in deciding on the out-of-home placement.<sup>31</sup> These provisions were amended in 1979 and again in 1981 primarily in response to parents rights groups who argued the law undermined their ability to determine reasonable rules for children in their own homes. The 1981 amendments imply a

return to a more traditional system in that children who run away from a court-ordered placement (including those resulting from ARPs) can be found in contempt of court. This offense is punishable by up to seven days of detention. Accordingly, under the 1981 amendments, a youth who has committed no criminal offense, but who has been involved in the quasi-voluntary alternative residential placement procedure can be detained, petitioned, and sentenced to seven days detention for running away from the placement.

In spite of the 1981 changes, the overall intent of the reform legislation remains largely intact: noncriminal misbehavior (such as running away, being incorrigible or ungovernable, or being in danger of "slipping into delinquency") cannot be used as ground for intervention by the juvenile court. For these kinds of misbehaviors, a youth cannot be petitioned, cannot be placed on probation, cannot be required to participate in counseling, and cannot be subjected to other kinds of rehabilitative or punitive programs.

Ironically, certain of these behaviors still constitute grounds for law enforcement officers to exercise a limited form of custody over the juveniles.

#### THE ROLE OF LAW ENFORCEMENT

The passage of House Bill 371 marked the beginning of an enormous change in the role of law enforcement officers regarding status offenders. According to the original reform legislation, a juvenile who was not suspected of a criminal offense could be taken into custody only if he or she was in "substantial" and "immediate" danger, or had been reported by a parent or guardian as a runaway, or was truant from school.<sup>32</sup> Noticeably absent was any authorization for custody of children who were "in conflict with their families" or incorrigible or ungovernable. In effect, the traditional practice of permitting custody and

referral of juveniles at the request or insistence of a parent had been eliminated.

Law enforcement officers, after taking a youth into custody under the conditions described above, were authorized to take the youth home or to a relative or to another responsible adult. Although the law established crisis intervention services and crisis residential centers for runaway youths through the Department of Social and Health Services, law enforcement officers were not permitted to use these unless all efforts to resolve the issues had been ineffective. The level of effort expected of law enforcement officers before they were permitted to utilize the residential facilities is illustrated with the following language, found both in the Washington law and in the IJA/ARA standards:

If the law enforcement officer is unable by all reasonable efforts to contact a parent, custodian, relative, or other responsible person ... or if the juvenile refuses to be taken to his or her home or other appropriate residence; or if the officer is otherwise unable despite all reasonable efforts to make arrangements for the safe release of the juvenile taken into limited custody, the law enforcement officer shall take the juvenile to a designated temporary nonsecure residential facility.<sup>33</sup>

Under the provisions of the Washington law, status offenders could not be placed in detention by law enforcement officers, although the crisis intervention or crisis residential center staff counselors could authorize short-term detention. The conditions under which these youths could be held in detention (for a total of 24 hours) were (1) that the youth had previously run away from a crisis residential center and was likely to run again; (2) the juvenile refused to return home and refused placement in a nonsecure crisis residential center or some other suitable alternative placement; and (3) the child was seriously, emotionally disturbed and beyond the control of the CIS or CRC staff.

After the initial legislation became effective, widespread concern was reported by observers of the Washington juvenile justice system that law

enforcement and/or DSHS had not implemented the law properly.<sup>34</sup> Some believed that juveniles who should have been taken into custody and referred to DSHS were being left to their own devices--neglected and ignored by the new system of voluntary services. It was argued that some, perhaps many, law enforcement agencies had settled on a narrow interpretation of the law which, at the extreme, implied that the legislation did not permit them to take runaways into custody under any circumstances. Others felt that law enforcement agencies were ignoring runaways because DSHS had not provided sufficient temporary, nonsecure residential placement facilities for these youths.<sup>35</sup> It was within this context that the 1979 amendments were passed.

One of the key changes made in 1979 was removal of the traditional discretionary authority available to law enforcement officers regarding custody and arrest decisions. The language of the original reform law, "may take into custody" was changed to read "shall take into custody," thereby requiring the officers to take into custody youths who were in serious danger and those who had been reported as runaways.<sup>36</sup> The level of effort expected of law enforcement officers in adjusting status offense cases before referral to the crisis intervention social service component of DSHS was substantially reduced. Officers could take youths, under the 1979 amendments, to a local or regional crisis residential center "if, in the judgment of the law enforcement officer, it is not practical nor in the best interests of the family to take the youth home."<sup>37</sup> In another major change, the crisis residential centers were required to be "semisecure" rather than "nonsecure." However, the law provides that these facilities meet the definition of nonsecure provided by the Office of Juvenile Justice and Delinquency Prevention and, in fact, the level of security was not affected much, if at all, by this change in the law.<sup>38</sup>

Like the initial reform bill, the amended versions restrict the use of detention, but permit CIS or CRC staff to place youths into secure detention facilities under certain conditions. In 1981, the legislature removed the provision that permitted detention of severely, emotionally disturbed youths, but the other conditions were retained. The change by the 1981 legislature, in which youths who have run away from court-ordered placements can be charged with contempt of court, permits law enforcement officers to refer these youths directly to the court and to its detention facilities if they choose to do so.

In Washington's approach, law enforcement occupies a pivotal "gatekeeper" position: They are responsible, on the one hand, for maintaining the integrity of the noncoercive approach and, on the other hand, for either resolving the immediate issues or linking status offenders with residential facilities and social services. In this scheme, the role of law enforcement officers approaches that of a service deliverer more so than an enforcer of laws. Officers are responsible for immediate crisis intervention work with the youth, for providing transportation if needed, for identifying the types of services that would be appropriate, and so forth. Although much of the service delivery burden was shifted to CIS after the 1979 amendments, the work of law enforcement officers has to be considered as critical to the effectiveness of the voluntary service delivery approach.

#### THE DSHS SERVICE DELIVERY SYSTEM

Even though the legislation seeks to remove status offenses from the jurisdiction of the juvenile court, it does not attempt to reduce the number of youths who receive services or the range of services available to them. Instead, the law provides for the creation of a new service delivery system, operated under the auspices of DSHS, a state agency. Runaways, children in conflict with

their families, and children with school-related problems can gain direct access to these services. Services for truants had been available in the past without court referral, but services for the other two categories generally had required a formal or informal court process before the passage of House Bill 371.

The system established by DSHS includes social services, as well as residential facilities. Crisis intervention services are to be available in all areas of the state. This consists of a 24-hour hot line intake capacity, up to four hours of crisis intervention efforts, and referral (as needed) to follow-up services, which can include up to 15 hours within the next 30-day period. To provide for alternative residential facilities, DSHS established eight regional centers, called crisis residential centers, in which runaway youths could reside for up to 72 hours. In addition to the regional facilities, the law directed DSHS to provide 30 local crisis residential centers in the form of specialized foster homes or specialized group care.

Many of the early DSHS programs were funded by a \$3.1 million grant from the Office of Juvenile Justice and Delinquency Prevention and most of them were not in place at the time the legislation went into effect in mid-1978, but became available gradually over the next six months.

The 1979 amendments contained several changes in the service delivery procedures. Perhaps most important is a rather subtle change in the language of the law regarding how clients can gain access to the crisis intervention services and crisis residential centers. The original law provided that DSHS was to make available, on a voluntary basis, services for runaways and children in conflict with their families. Authority clearly was given for receiving youths who had been taken into limited custody by law enforcement as runaways, but no mention is made of whether other sources of referral could be accepted. The 1979 law specifically instructs DSHS to accept referrals from law enforcement,

self-referred youths, and from persons providing temporary shelter care to runaways.

The 1979 legislature appropriated \$1.1 million to continue the crisis intervention services and the CRCs after the federal funds were exhausted. At this writing, however, the massive cutbacks in state appropriations that have taken place since 1981, along with the reductions in all types of federal funds, have had a devastating impact on the services offered to status offenders.

### CHAPTER 3. REDUCING COERCIVE CONTROL OVER STATUS OFFENSES

#### CONCEPTS, VARIABLES AND EXPECTED EFFECTS

One of the most important purposes of the status offender provisions in the Washington law is to minimize or eliminate control by the justice system agencies over youths whose acts are not violations of the criminal law and would not be crimes if committed by an adult. To determine whether the new system handles status offense incidents in a less coercive fashion, three variables were identified as indicators of coercive control: detention in secure facilities, referral to and processing by the juvenile court, and commitment to the state's secure institutions for juveniles.

A comprehensive analysis of whether the voluntary service delivery system is providing appropriate or effective services to status offenders was beyond the scope of this research since that would have required an evaluation of the Department of Social and Health Services itself. Nevertheless, it is possible with the data obtained for this study to examine the number of youths who are coming into contact with the voluntary service system including the law enforcement aspect as well as the crisis intervention services (CIS) and the crisis residential centers (CRC) provided by DSHS. Whether contact with law enforcement should be viewed as part of the "coercive" system or as an aspect of the "voluntary" system is a complex issue. The legislation clearly intends that law enforcement actions regarding status offenders are to be noncoercive, service-oriented, and closely guided by the preferences of the youth. Law enforcement officers cannot authorize the detention of youths whose only infraction is a status offense (as this action requires CIS or CRC authorization) and the length of time that a youth can be held by the officer is limited to six hours. Thus it seems reasonable to include law enforcement contacts with status offenders as a part of the service system--a critical linkage, in fact,

to DSHS services or to resolution of the issue and the return of the youth to his or her home.

The development of reasonable expectations regarding the effect of legislation is never a simple matter and usually is subject to considerable debate even among persons who have an intimate knowledge of the provisions of the law and the context in which was implemented. Initial expectations about the effect of legislation generally are derived from a rather literal interpretation of the directives in the law and the "level of mandate," (i.e., whether the directives are absolute requirements, "inducements" restrictions, and so forth). There are, however, many complicating factors which can result in the expected effects not being realized.<sup>39</sup> These include whether the agency officials agree with the philosophy and goals of the law; whether adequate resources are available to implement the provisions; and whether the officials have an accurate knowledge and understanding of the law which, in turn, depends partly on the clarity of the legislation itself. Also, presence of other incentives or disincentives that exist within the professional and organizational framework of persons whose actions are guided by the provisions of the law can have an important effect on whether the expected effects will be realized.

The changes expected as a result of legislation also depend on the conditions that exist before the legislation goes into effect and, in some situations, it is quite reasonable to expect no changes at all. Legislation does not always preclude change; it sometimes is produced by changes that have already occurred and serves the role of codifying or institutionalizing existing practices. Another factor which makes it somewhat difficult to develop reasonable expectations about the effect of the Washington law on agency practices is that there are literally hundreds of different agencies

within the 39 counties that administer the juvenile justice systems in the state. Consistent effects, across all law enforcement agencies, all juvenile courts, and all of the local DSHS office or contractors probably should not be anticipated.

In spite of these problems, the "expected effects" of the Washington law on detention, court processing, incarceration, law enforcement contacts, law enforcement referrals, and the service delivery system are reviewed below and summarized in Figure 3.

#### Detention

The number of status offenders held in secure confinement should have been substantially reduced--at least in areas which still detained these youths in the pre-371 time period. However, the initial reform law permitted 24 hours of detention for runaways and for out-of-control youths who were seriously disturbed, suicidal, dangerous, and so forth. Also, a group of "hard core" status offenders still could be detained, handled in a formal court process, and even committed to DSHS for 30 days of treatment and diagnosis. These youths, however, had to meet the four very demanding conditions described in the previous chapter. Other youths who fit into one or more of the pre-371 categories of status offenders, such as truants and curfew violators, could not be detained.<sup>40</sup> Thus, it is reasonable to believe that detention of status offenders should have been reduced by the original law, but not eliminated. In 1979, the legislation removed the provision permitting jurisdiction over the "hard core" status offenders and this may have been reflected in additional reductions in detention. The 1981 amendments permit jurisdiction over youths who have run away from court-ordered placement, even if the placement was the outgrowth of a noncriminal act. Thus, this provision could produce some increase in the

Figure 3. Expected Effects on Agency Practices<sup>1</sup>

	Effect of HB-371	Effect of 1979 Amendments	Effect of 1981 Amendments
<u>I. COERCIVE CONTROL</u>			
<u>A. Detention</u> of runaways	Substantial Reduction	Remain Low	Some Increase, But Remain Low
of "hard core" status offenders	Reduction	Reduce to Zero	Remain at Zero
of other status offenders	Reduce to Zero	Remain at Zero	Remain at Zero
<u>B. Court Referral; Formal or Informal Processes</u>			
of runaways	Reduce to Zero	Remain at Zero	Some Increase But Remain Low
of "hard core" status offenders	Reduction	Reduce to Zero	Remain at Zero
of other status offenders	Reduce to Zero	Remain at Zero	Remain at Zero
<u>C. Institutional Commitments</u>			
of runaways	Remain at Zero	Remain at Zero	Remain at Zero
of "incorrigibles: or "hard core" status offenders	Remain Low, Possible Reduction	Reduce to Zero	Remain at Zero
of other status offenses	Remain at Zero	Remain at Zero	Remain at Zero



detention of runaway youths, but the actual amount of increase depends on how many youths have run away from court-ordered placements. Also, the 1981 amendments prohibit detention of the seriously disturbed group but, again, it is difficult to know the effect of this change on detention rates without knowing how many of these youths come to the attention of the system.

#### Court Processing

An immediate reduction should be observed in the number of status offenses referred to the juvenile court intake units, and this should be reflected throughout the entire court process in terms of reductions in the number of status offense petitions, hearings, and dispositions. The complete elimination of all status offense referrals to the juvenile court should have taken place after the 1979 amendments, which removed the provisions permitting referral of the "hard core" status offenders. After the 1981 amendments, it is possible that a few status offenses once again might be processed in the juvenile court because of the provision permitting contempt of court charges against youths running away from court-ordered placements.

#### Institutional Commitments

Most of the reduction in commitments of status offenders to the state institutions had already occurred before House Bill 371 was passed. In 1976, two years before the reform legislation, Senate Bill 3116 banned the commitment of all status offenders except incorrigibles and, for these youth, there was a 30-day limit and the commitment was solely for the purpose of diagnosis and treatment. Thus, the primary change in policy made by House Bill 371 was to restrict even further the criteria needed for commitment in that a youth had to meet all four specific criteria in the law rather than the more vaguely defined category of "incorrigible." After 1979, commitment for

status offenses should have been eliminated.

#### Sources of Data

Beginning with the implementation of the legislation in July, 1978, the Bureau of Children's Services began a new data collection procedure from all DSHS offices in the state through which monthly figures on the number of youth referred to crisis intervention services were obtained. These data were the only state-wide information about status offense cases that could be obtained. Status offenses were included in the sampling plan utilized for the individual-level data in Seattle, Spokane, and Yakima. Any cases contacted by law enforcement that were designated as runaway, incorrigible, truant, or curfew were included in the sample. Cases which fell into a catchall category of "other" also were sampled to determine whether any status offenses were in that category. The number of cases involving status offenses in Spokane was too few to analyze, even in the pre-371 time period and, therefore, the individual-level analysis is confined to data from Seattle and Yakima.

In addition to these two sources of data, each of the juvenile courts included in the 20-county sample was asked to submit aggregate data (by month, beginning with January, 1974 and extending to December, 1980) on the number of cases referred, the number detained prior to adjudication, the number of cases filed, the number sentenced to community supervision, the number committed to an institution, and the number sentenced to local detention. Each of these categories was divided into "offender" and "dependency" categories so that totals were to be reported separately for these two types of youths.

#### REDUCING COERCIVE CONTROL

The data--from all sources--clearly show a sharp decline, virtually to zero, in the number of youths detained or referred to the juvenile court as a

result of status offenses.

The crisis intervention service data show a remarkably low rate of detention for runaways and children in conflict with their families (see Figure 4). Although there is no pre-371 information contained in this data set, the total number of runaways and children in conflict who are detained is extremely low, averaging less than 30 per month statewide in 1978-79 and dropping to less than 10 per month by mid-1979.

The state of Washington has 830,000 youths in the age categories 5 through 17, and 279,000 in the 15 to 17 years old groups.<sup>41</sup> Approximately 1,900 status offenders are handled by CIS each month. Thus, the proportion of status offense cases in secure confinement even for the 24-hour limit is so low as to be almost inconsequential. Indeed, the statewide information system from which these data were obtained discontinued the reporting of detention figures in late 1980 because they had dropped to zero.

Data from several juvenile courts on detention of status offenders during the pre and post time periods also show dramatic reductions in detention (see Table 1).

Buttressing the general indication from these data are the findings from the surveys of agency officials in the 20-county sample. As shown in Table 2, 134 of the 139 persons interviewed said that status offenders were less likely to be detained under the provisions of House Bill 371 than before and the remaining five said that no change had occurred because the detention of these youths had already been eliminated. Similarly, 55 percent of the 40 law enforcement officers said that detention was no longer used at all in their jurisdictions for runaways and 64 percent said that children in conflict were never placed in detention in their areas of the state. The officers also were asked to estimate the frequency of secure confinement for runaways and for

Figure 4. Referrals to Detention From Social Service Agencies

State Totals: July, 1978 - July, 1980

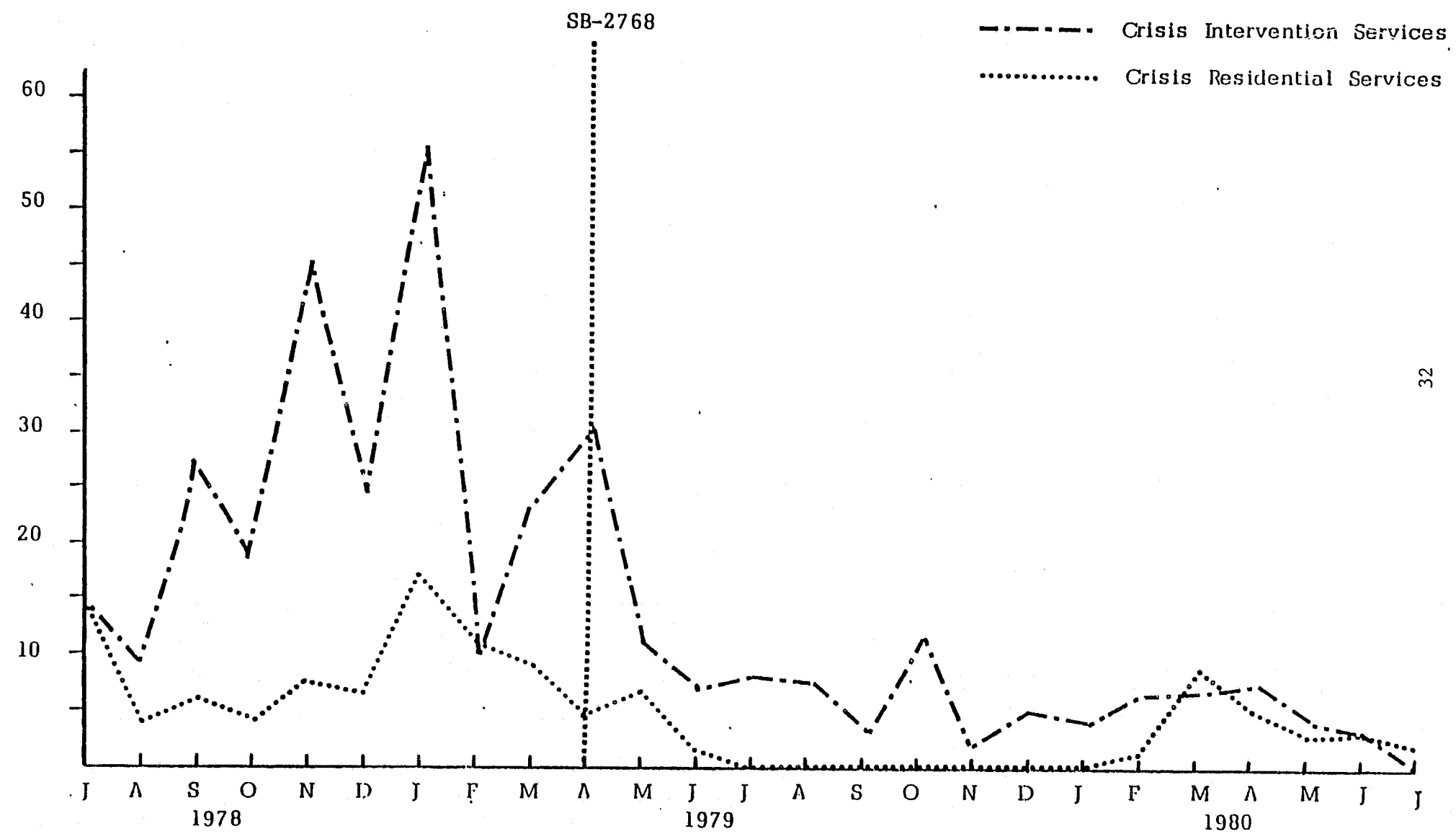


TABLE 1. DETENTION OF STATUS OFFENDERS<sup>1</sup>

Court	Status Offenders Admitted to Detention			
	1977	1978	1979	1980
Grays Harbor	No Data	61	22	7
Stevens	13	12/1	1	0
Clark	279	95	0	0
Chelan	133	77		No Data

<sup>1</sup>Figures are from the annual reports and for 1978 include 6 months of pre-371 data and 6 months of post-371 information. Data were not available in smaller time units, except in Stevens County where 12 youths were detained before the law went into effect and 1 was detained afterward.

TABLE 2. PERCEPTIONS OF CHANGE IN LIKELIHOOD OF  
DETENTION FOR STATUS OFFENDERS<sup>1</sup>

	More Likely	Less Likely	No Change	# Responding to Question
Judges	0	12	2	14
Crisis Intervention Service Workers	0	19	0	19
Sheriffs	0	18	1	19
Police Chiefs	0	19	0	19
Diversion	0	16	1	17
Public Defenders	0	17	0	17
Prosecutors	0	14	1	15
Court Administrators	0	19	0	19
Total	0	134	5	139
Percent	0%	96%	4%	100%

<sup>1</sup>The exact question was: "Another premise of the law is that nonoffenders, such as runaways, children in conflict with their families, truants, and so on should not be forcibly detained since they have not committed a criminal offense. In your judgement, are these children more likely or less likely to be detained under the provision of HB-371 than they were before HB-371 was passed."

children in conflict with their families, using a zero to 10 scale in which zero represents "never"; 10 indicates "always" and the remaining numbers reflect gradations of frequency. For runaways, the officers estimated a pre-371 detention rate of 5.9 on the 10-point scale and a rate of 1.0 since the original reform law went into effect. Similar scores were given for children in conflict: 5.4 for the pre-reform time periods and less than 1.0 afterward.

Changes of similar magnitude occurred in the court handling of status offense incidents. Data from the annual report of three small courts are displayed in Table 3 and, clearly, the courts ceased dealing with youths in these categories of offenses during 1978. In Seattle, the individual-level data obtained for this study indicated that no status offenses except runaway were handled by law enforcement or the courts as early July, 1976 and referral of runaways to the court declined virtually to zero in July, 1977 at the time the law was passed, but a full year before it was required to take effect. Yakima authorities continued to deal with runaways, truants, curfew violators and incorrigibles until the implementation deadline in July, 1978. Court referrals virtually ceased after that time.

In the seven courts from which data were available about institutional commitments of dependent youth (status and deprived) only one commitment was reported during the years 1977 through 1980. As expected, then, the major reduction in institutional commitments of status offenders as well as of dependents had already taken place before House Bill 371 was passed.

The amendments that went into effect in July, 1981 made several changes of potential importance: (1) contempt of court charges could be levied against youths who run away from a court-ordered placement, even if the court-ordered placement was the result of a noncriminal process, such as an

TABLE 3. COURT REFERRALS OF STATUS OFFENSE CASES

	1977	1978	1979	1980
<u>Grays Harbor<sup>1</sup></u>				
Referrals/Intake				
Curfew <sup>2</sup>	24	9	(4)	(1)
Runaway	161	40	0	0
Incorrigible	62	3	0	0
Truant	15	4	0	0
<u>Chelan<sup>1</sup></u>				
Referrals/Intake				
Curfew <sup>2</sup>	32	25	0	0
Runaway	99	54	12	0
Truant	6	3	0	0
Injurious Living	6	3	0	0
Incorrigible	31	13	0	0
Families in Conflict	0	0	12	0
			(ARPs)	
<u>Mason<sup>1</sup></u>				
Referrals/Intake				
Curfew <sup>2</sup>	6	1	0	0
Runaways	42	26	0	0
Incorrigible	9	13	0	0
Truants	8	2	0	0

<sup>1</sup>These figures are from the annual reports prepared by the courts. Figures for 1978 include 7 months of pre-371 data and 6 months of post-371 information. Data were not available in smaller time units.

<sup>2</sup>Curfew can be a status offense or it can be a violation of municipal codes which can be charged as a violation.

ARP; (2) these runaways could be held in detention, since contempt is a criminal charge; and (3) those convicted of the contempt charge could be punished with seven days detention time.

According to the judges included in the survey, the 1981 amendments had not yet had much of an impact on the juvenile courts. Of the 14 judges interviewed, 10 said that no youths had been charged with contempt as a result of running away from a court-ordered placement during the three months since the amendments went into effect. Judges from three of the five jurisdictions that have filed contempt charges said that they were using this procedure even before the 1981 amendments were passed. Thus, the impact of the 1981 changes--if there is to be any major impact--had yet to be experienced in most of the state at the time the interviews were conducted.

#### Discussion

The evidence clearly shows that incidents involving misbehavior previously referred to as truancy, running away, curfew violations and incorrigibility disappeared from the record-keeping systems of the juvenile court in the state of Washington as a direct result of the divestiture legislation. Where did the youngsters go? This issue is dealt with in the next two chapters.

## CHAPTER 4. NET-WIDENING IN THE WASHINGTON JUVENILE SYSTEM

### INTRODUCTION

Law enforcement handling of status offense cases has become a matter of concern in most of the areas that have sought to deinstitutionalize or divert status offenders from the juvenile court, and Washington is no exception to this pattern. In some areas of the United States, the apparent response by law enforcement has been to increase the number of status offenses handled and referred whereas in other places law enforcement agencies seemingly have ceased dealing with the cases at all. The former response typically has been called "net widening" meaning that the overall impact of the policy change was to draw more (not fewer) youths into the juvenile system. The latter response, in which it appears as if law enforcement and/or the courts are not handling status offenses cases, could be produced by a genuine reduction in the number of these incidents coming to the attention of the authorities or it could be produced by a phenomenon called "relabeling" in which the various agencies within the system are suspected of continuing to deal with the youngsters in basically the ways as before but under a different behavioral category such as dependency or delinquency.

The purpose of this chapter is to assess whether netwidening occurred in Washington as a result of the divestiture legislation.

### Methodology

Most of the analysis reported here is based on individual-case data from the Yakima and Seattle police departments. A sample of 1,475 incidents was taken from a listing of all Seattle police department contacts with juveniles during a four-year time period beginning two years before the reform legislation went into effect and extending two years afterward. A sample of

1,722 juvenile incidents was drawn in a similar manner from the files of the Yakima police department. The Yakima sample included a special subset of runaway complaints--i.e., reports from parents or others that a youth had run away from home--which were tracked to ascertain the impact of the law on the probability of a police contact with a runaway, given that a complaint or report had been received.

Net-widening refers to an expansion of the social service system or the juvenile justice system over youngsters for whom such services were not intended (and, by implication, for whom such services are not needed). This phenomenon has been observed in several states apparently as a direct result of efforts to divert status offenders from the juvenile justice system. The availability of a less stigmatizing alternative, combined with the continued possibility of referral to the juvenile justice system, seemingly have increased the total number of status offense incidents referred either to the official system or to the diversion alternative. Evidence of the phenomenon generally includes an increase in law enforcement contacts with status offenses or an increase in the total number of youths referred to the public service agencies (juvenile courts as well as social services) for status offense behaviors.

The Washington legislation was designed to maintain a constant level of services for status offenders but to shift these services from the juvenile court to the Department of Social and Health Services. Law enforcement officers were to be the primary linkage between youths engaging in status offense misbehavior and the social service system. Thus, it was anticipated that the legislation should not alter the frequency of law enforcement contacts with runaways. An increase in contacts would indicate a net-widening effect whereas a decrease in contacts might be interpreted in several different ways. One interpretation is that the youths are being relabeled and

handled either as dependency cases or as delinquents. Another possibility is that law enforcement officers are not responding to the reports regarding runaways or other status offenses cases and, thereby, are not providing the services intended by the original law nor serving as the linkage mechanism between these youngsters and the services offered by DSHS.

The data from Seattle and Yakima (see Table 4, Figures 5 and 6 show that the number of contacts with runaways declined--indicating that the impact of the legislation was not one of "widening the net" but, rather, a possible restricting of services or relabeling. In Seattle, the decline began almost six months after the law went into effect and continued downward until late 1979. Amendments in 1979 (which made it quite clear that law enforcement agencies were expected to continue handling runaway cases) may have sparked the dramatic upsurge noted at the beginning of 1980, but the overall level of contacts is down.

Figure 5 shows the number of runaway complaints (top line), the number of contacts (middle line) and the number of referrals to juvenile court. The number of runaway reports remained relatively stable, but the number of contacts dropped somewhat. The decline in contacts, as a proportion of complaints, is statistically significant.<sup>42</sup>

Figure 7 shows the number of runaways located (i.e., contacted) by the King County sheriff. These data indicate that the slightly upward trend in the number of runaways ended shortly after House Bill 371 was passed. The months just before and after the bill was implemented show a wildly erratic pattern, dropping to a low of 80 in June, 1978 and reaching a high of almost 450 only three months later. Thereafter, the pattern stabilized and returned to a relatively flat series at a level somewhat lower than what had existed before. The change might be partly related to a slight downward shift in the



TABLE 4. FREQUENCY OF STATUS OFFENSE COMPLAINTS, CONTACTS, AND REFERRALS IN SEATTLE AND YAKIMA (Quarters)

Quarter	Seattle Runaways		Yakima Runaways			Yakima Truancy		Yakima Curfew		Yakima Incurrigibles	
	Cont.	Referral	Comp.	Cont.	Ref.	Cont.	Ref.	Cont.	Ref.	Cont.	Ref.
PRE											
1	17	13	23	11	5	0	0	11	9	6	6
2	22	12	25	8	4	3	1	3	3	4	4
3	26	15	33	9	8	8	1	0	0	7	6
4	24	15	31	12	10	5	1	5	5	2	2
5	22	2	24	6	3	1	1	6	3	6	5
6	22	3	28	13	7	4	4	2	2	11	10
7	20	0	21	11	5	0	0	8	8	8	7
8	22	1	24	11	4	0	0	4	2	4	3
9	23	0	32	6	1	0	0	1	1	1	0
10	20	0	30	10	1	0	0	0	0	2	0
11	16	0	19	6	0	0	0	0	0	1	0
12	12	0	29	7	1	0	0	0	0	0	0
13	11	0	25	7	0	0	0	0	0	0	0
14	4	0	23	12	1	0	0	0	0	0	0
15	33	0	28	11	0	0	0	0	0	2	2
16	18	0	24	6	0	0	0	0	0	0	0
Total	312	60	419	146	50	22	8	40	33	54	45

Figure 5. Number of Runaway Complaints, Contacts, and Referrals in Yakima (by Quarter)

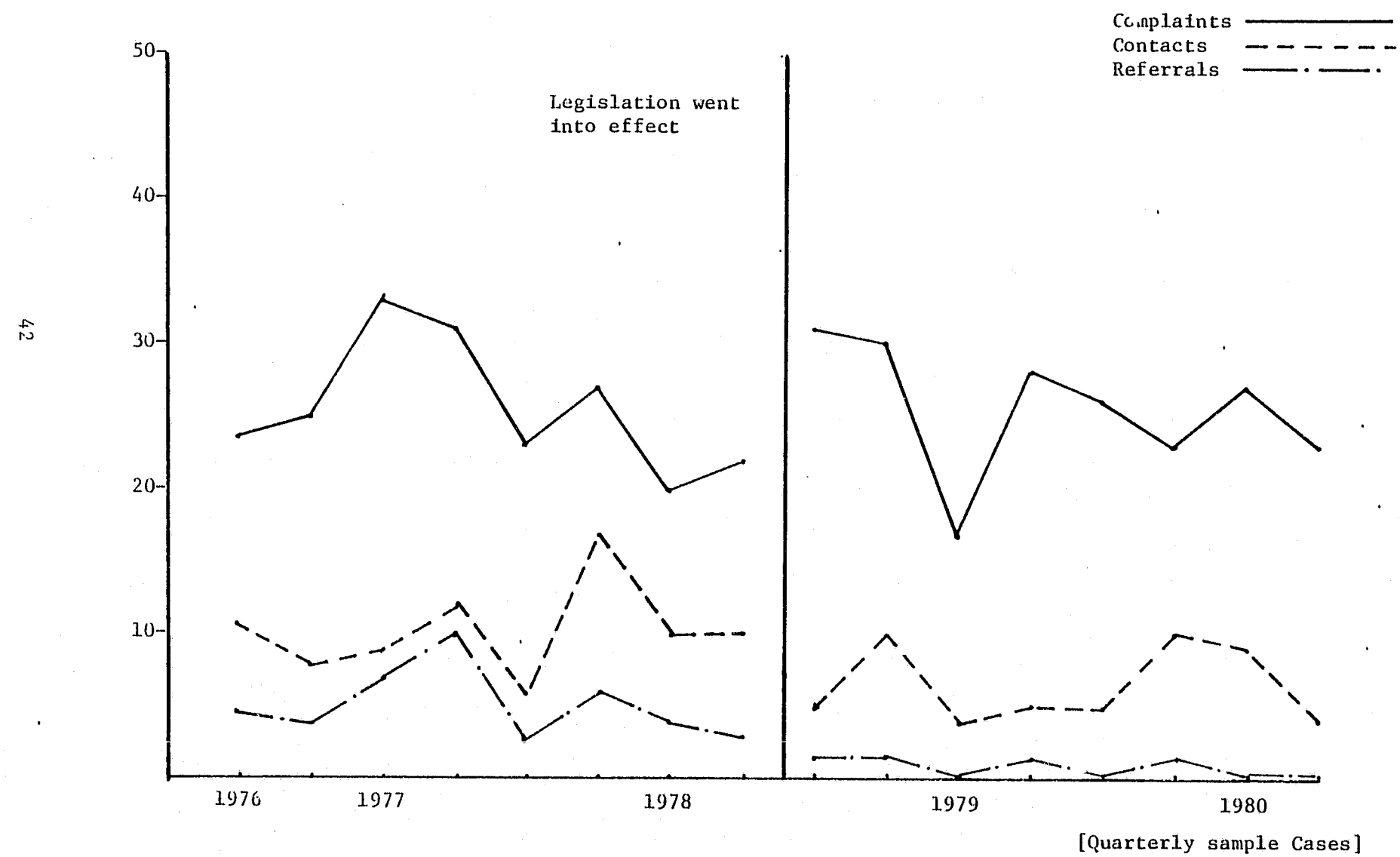


Figure 6. Number of Runaway Contacts and Referrals in Seattle (By Quarter)

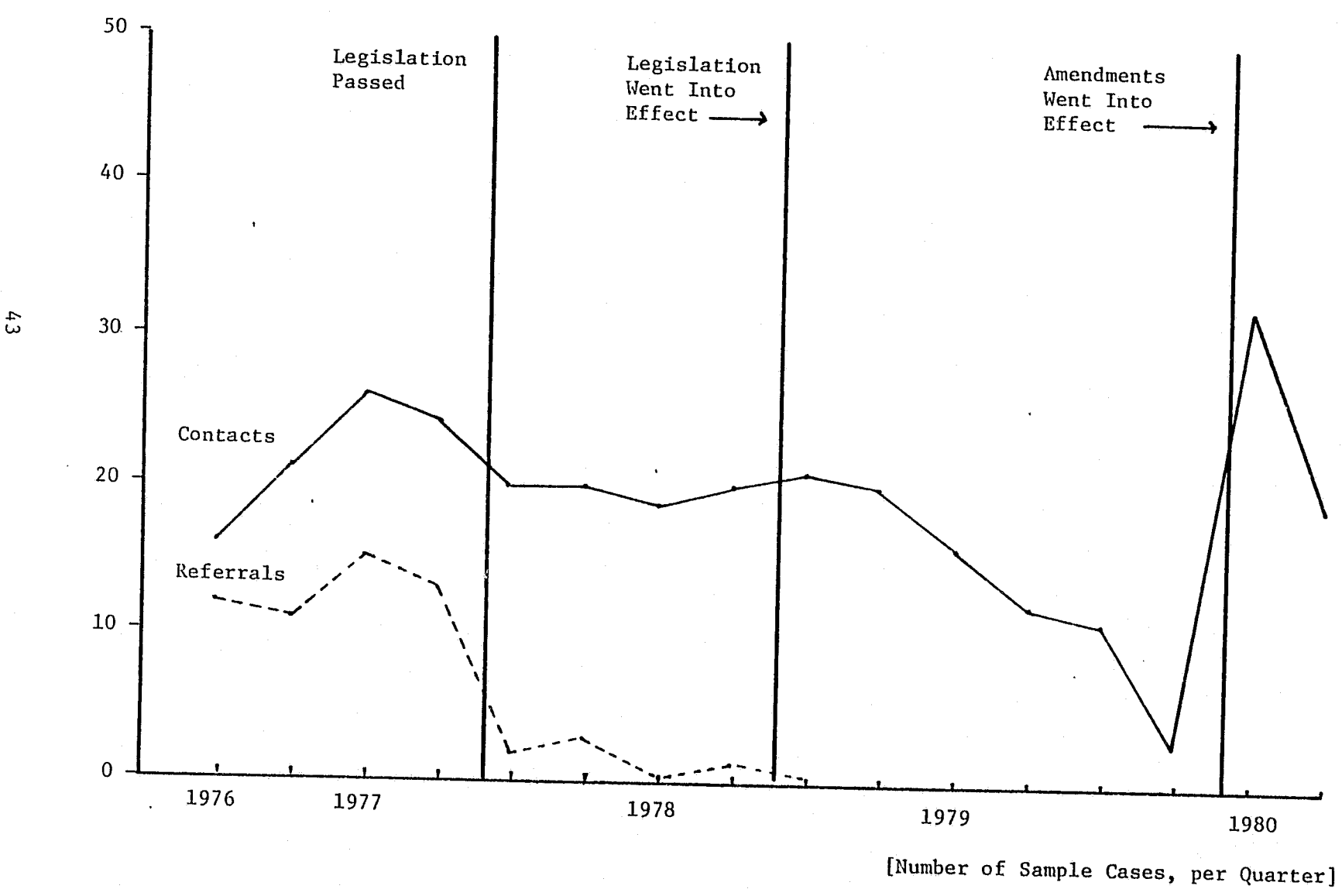
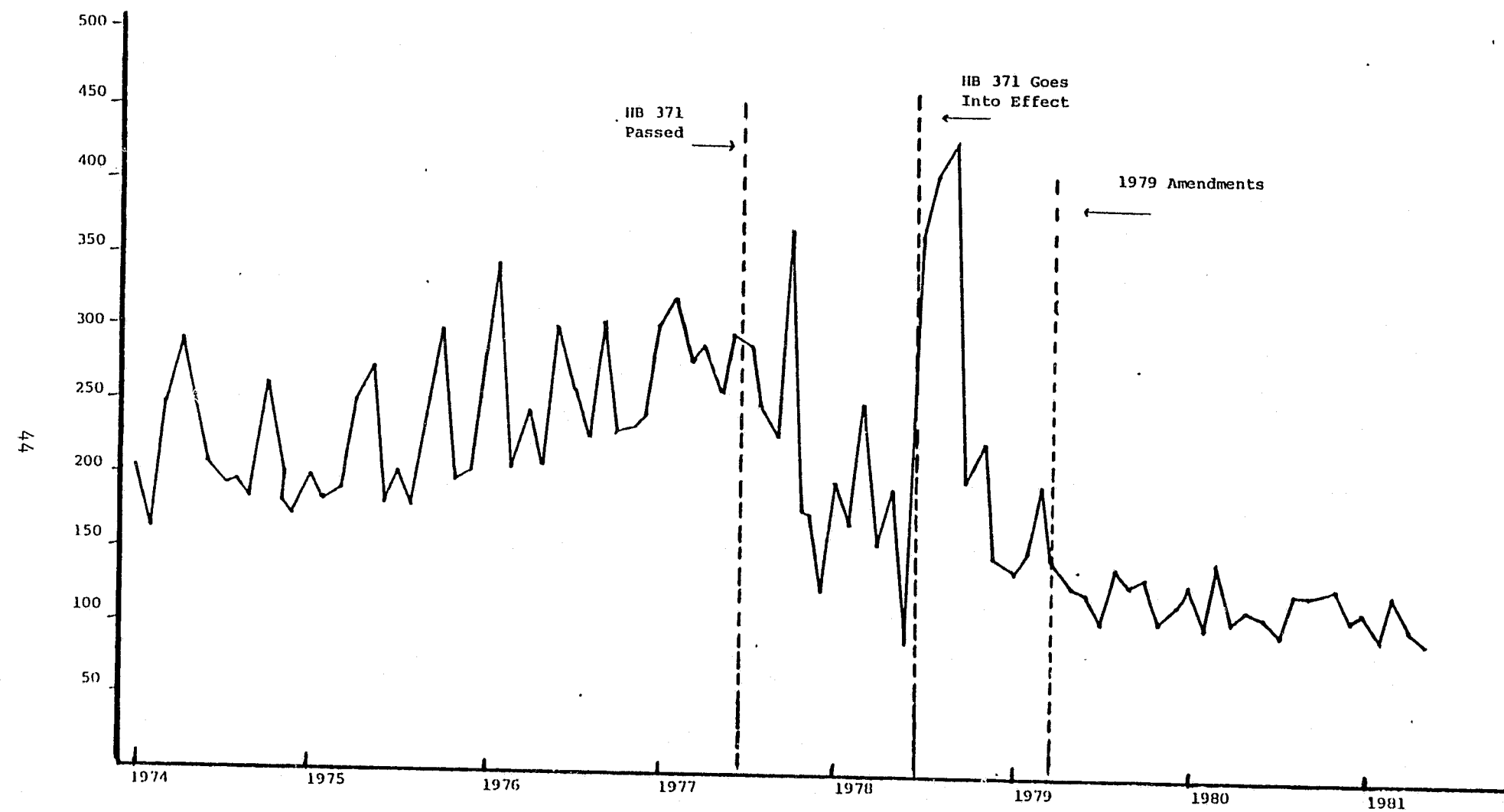


Figure 7. Number of Runaways Located by the King County Sheriff (by Month)



number of runaways reported to the sheriff (see Figure 8). There is no necessary connection between the two sets of data, however, since the figures on runaways reported refer to reports from residents of King county, whereas the number of runaways located includes all youths picked up in the county as a runaway, regardless of the actual residence of the child. Nevertheless, there is no indication of net-widening in these data.<sup>43</sup>

Similar data on the number of runaways reported to authorities and the number contacted were obtained from the Vancouver police department and are shown in Figure 9. This is the only area, of those examined, in which the number of runaways contacted by law enforcement did not appear to have declined as a result of the legislation. The number of youths reported as runaways also remained relatively stable throughout the pre and post time period.

The evidence from these jurisdictions is that net-widening did not occur, at least not in terms of law enforcement contacts. There has been no increase in the number of status offenders handled by law enforcement and, as reported in the previous chapter, courts no longer take these incidents at all. The primary contact between status offenders and the voluntary services offered by DSHS is through the crisis intervention services and this might be considered as a potential source of net widening. It is, however, very unlikely that the crisis intervention services have broadened the target population beyond the youths served in the pre-371 system; on the contrary, DSHS has been criticized repeatedly for restricting its client population. There are no data, however, with which to determine whether the number of youths entering the DSHS service system is greater or lower than those served by the juvenile court. Estimates were made by the state juvenile justice planning agency that 20,000 status offender contacts would be shifted from the justice system to DSHS in the first year after the law was passed. This

Figure 8. Number of Runaways Reported to the King County Sheriff (by Month)

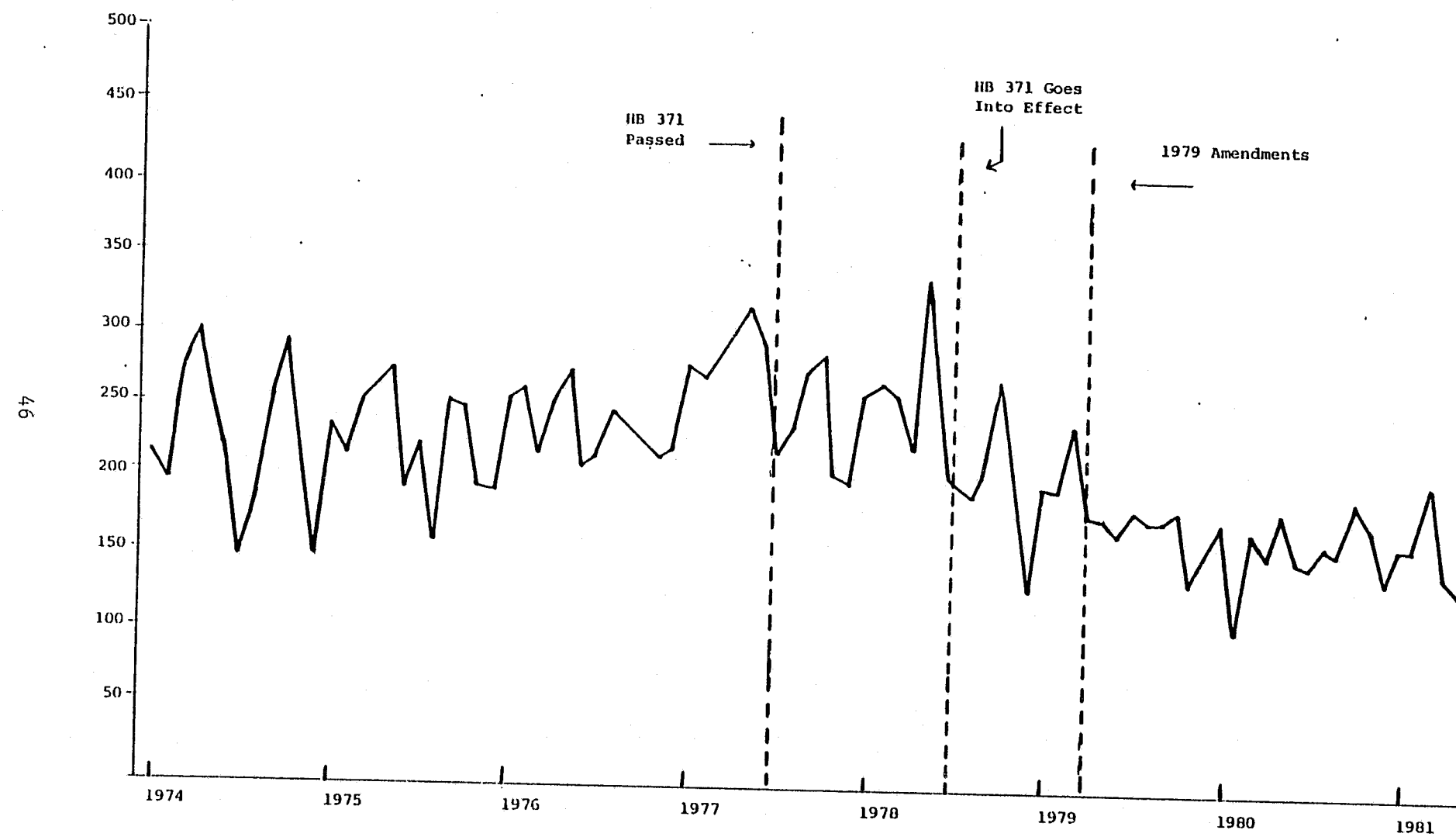


Figure 9. Reported and Contacted Runaways for Vancouver (by Quarter)

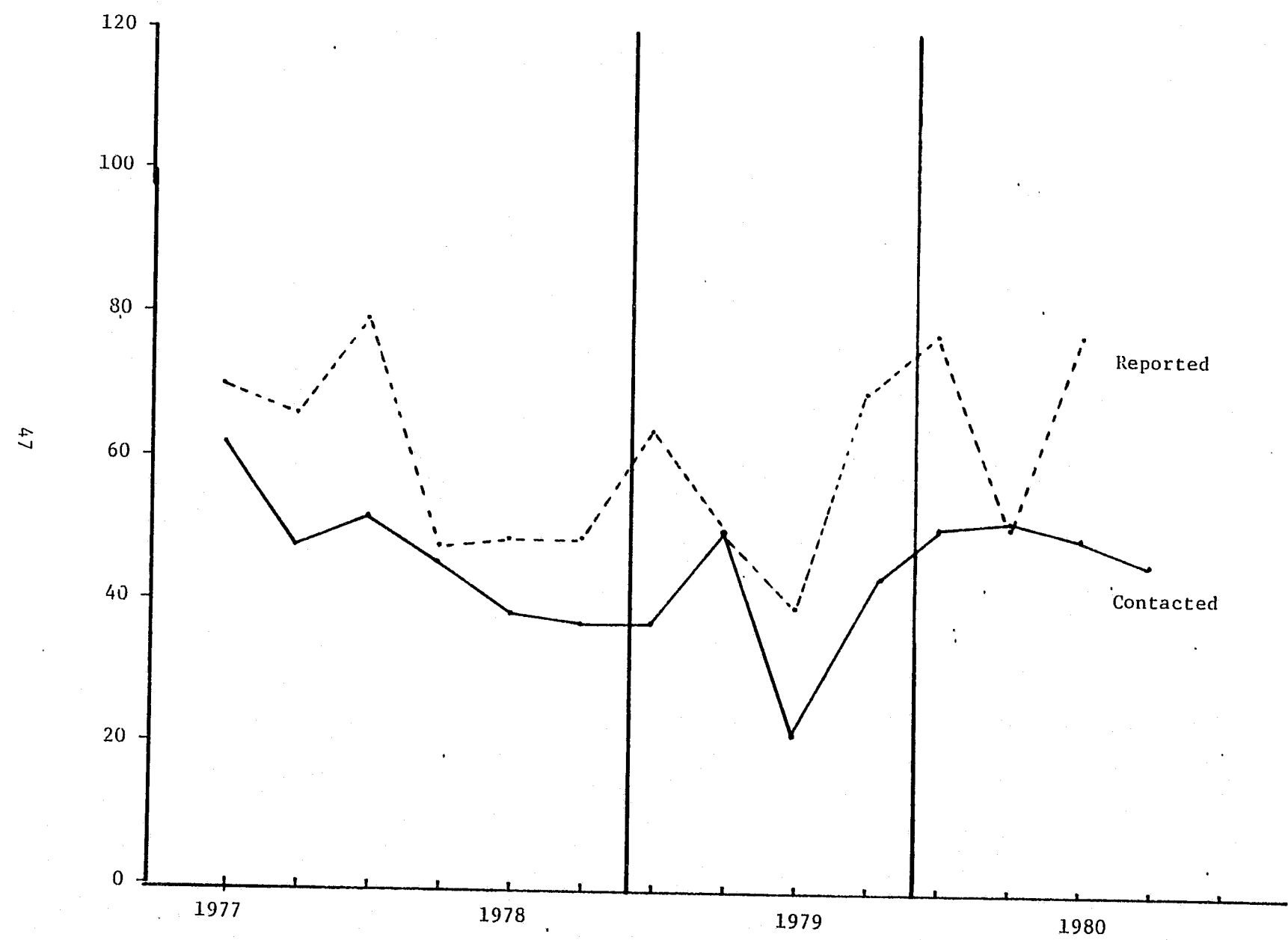


figure was based on estimates of the number of status offenders coming into contact with the juvenile courts during the year before the law went into effect. CIS received 22,000 referrals during the first year and, since this is quite close to the estimated number, there is no indication of a net-widening phenomenon at the DSHS entry point.

Although it is safe to conclude that net widening did not occur in Washington, it is not as simple to determine whether service availability acutally was restricted by the new system in such a way that persons who needed and wanted services could not get them. Charges of this type were made, but a proper study of this issue would require the collection of individual-case data from the DSHS system--a task that could not be accomplished simultaneously with the current evaluation.



CHAPTER 5. THE CONTINUED INVOLVEMENT OF RUNAWAYS IN THE JUVENILE JUSTICE  
SYSTEM: RELABELING AND OTHER ISSUES

INTRODUCTION

Divestiture, diversion, and de-institutionalization are expected to reduce the involvement of runaways with the juvenile justice system but the impact of these policy changes often has not been as great as expected. In some instances, these policies seemingly have increased the involvement of status offenders with the system--not only due to net-widening, as discussed in the last chapter, but also because of "relabeling."<sup>44</sup> Relabeling usually refers to a process whereby youths who were handled by the juvenile justice system under one label (e.g., runaways) continue to be involved with the system in spite of policy changes that were intended to remove these kinds of incidents from the system. The involvement continues but with the youth entering the system under a different label, such as delinquent or dependent. The typical interpretation is that relabeling is an undesired consequence of the policy change and the usual implication is that the first label was the "correct" one and the second label is wrong.

The approach taken here does not assume that either label is correct or that one is better than another but, rather that there is sufficient discretion within the system and sufficient mixtures of delinquent and status behavior by youths that the use of either label may be defensible for a substantial proportion of juveniles.

Methodology

The issue of relabeling can arise either in relation to a particular incident, occurring at a specific point in time, or in relation to a specific youth, regarding his or her behavior over a period of time. The first type of

relabeling might be called relabeling of the offense and the second might be more appropriately termed a relabeling of the offender.

In the first conceptualization (relabeling of the offense), the amount of relabeling that could occur as a result of a policy change would depend on two factors: (1) the proportion of offenses which are "mixed" in the sense that the incident involves both a delinquent act and a status offense such as being a runaway at the time the delinquency occurred, and (2) the way in which discretion was used in the pre time period compared with the post. For example, if the authorities in the pre time period handled all mixed offenses as status offenses and in the post time period handled all of them as delinquent acts, then the total amount of relabeling would be limited to the number of offenses which include both delinquent and status characteristics. Indications that this type of relabeling had occurred would include a decline in the number of status offenses coming to the attention of the authorities and an increase in the number of delinquent incidents. The most appropriate technique for measuring this kind of relabeling would be to identify the incidents that contain elements of both status and delinquent behavior. Using only these offenses, a comparison would be made of the dispositions in the pre and post time periods--a technique used by Teilmann in her analysis of the California law.<sup>45</sup>

A second process that also could be called relabeling involves youths who have exhibited both status and delinquent behaviors, not necessarily in relation to one specific incident, but within a relatively short period of time so that the authorities have a legitimate choice of whether to focus on the status or the delinquent aspects of the youth's behavior. In the traditional juvenile court, a youth might be handled as a status offender if there were indications of "family problems"--such as running away or incorrigibility--

regardless of whether the immediate incident involved status or delinquent behavior. Divestiture of court jurisdiction over status offenses does not imply divestiture of jurisdiction over status offenders if the youths also commit delinquent acts. When it is not possible to extend court jurisdiction over a youth for a status offense, there may be an incentive to refer these youths for delinquent incidents which, in the traditional system, would have been handled as field adjustments by law enforcement or which may not have shown up at all in law enforcement records. This is not to say that the delinquent charge is fraudulent or imaginary. Rather, the contention is that many status offenders also commit delinquent acts within the same general time frame. In the traditional system, the youth may be referred on the status offense and the delinquent act may not be recorded at all. Under divestiture, it would be the delinquent act that produced the referral.

An appropriate way to measure this kind of relabeling would be to isolate a relatively short time period in both the pre and post era and calculate a "contact rate" for all youths who are known to be status offenders. If the reasoning outlined above is correct, one would expect to find that the divestiture law increased the contact rate for delinquent acts and decreased it for status offenses. The rationale is that divestiture may have created an incentive to record delinquent acts that in the past would not have been recorded (because the youth would be referred for a status offense) and an incentive to de-emphasize the recording of status offenses because the youth cannot be referred for these.

Divestiture should eliminate referral of youths on status offenses, but youths who commit status offenses could continue to be referred, filed on, placed on probation, and even committed to state institutions for delinquent acts. Nevertheless, divestiture should reduce the probability that status offenders come into contact with the juvenile court unless all status

offenders commit delinquent acts in close enough proximity to their status offenses that their rate of referral remained unchanged. To examine this possible impact of the divestiture law, the disposition of all contacts, within a three month time period, pre and post can be examined regardless of the reason for the contact itself. The purpose is to determine whether the divestiture law alters the probability that a status offender will be referred to court for something.

Clearly, the length of the time period used to calculate the contact rate and the probability of referral is important. If a long time period is used, then a larger proportion of status offenders would be expected to have delinquent contacts and to have come within the jurisdiction of the court as a result of those acts. A short time period, such as three months, provides a better test of whether status and delinquent acts occur in close enough proximity to one another that the authorities have a clear discretionary choice regarding which behavior to focus on in their decisions regarding how the youth should be handled.

Relabeling and netwidening are only two of the ways in which the juvenile justice system continues its involvement with runaways and other status offenders even after legislation designed to reduce or eliminate these contacts has been implemented. Another issue, and one largely ignored in the literature, is whether youths who are referred to the court for delinquent acts are handled differently if they have a history of running away or a history of other status misbehavior. In the state of Washington, proponents of the 1973 law specifically argued that status offense behavior should not be used in determining the disposition of delinquency cases.<sup>46</sup> This argument was made by persons who believed that the system dealt more harshly with status offenders than with delinquents and that it might continue to do so in spite of the proportionate sentencing provisions in the law. Thus, it is important to

determine whether the divestiture legislation may have inadvertently created a situation whereby delinquents, if they also have committed status offenses, are dealt with in a different manner than delinquents who have not been involved in status offenses.

#### FINDINGS

The impact of divestiture will be examined in relation to four questions:

1. What proportion of the youths drawn into the sample as runaways also commit delinquent acts? In the post period, this proportion represents the maximum number of runaways who could become involved in the court system. In the pre-reform system it is an estimate of the maximum reduction in the proportion of runaways who could be removed from the juvenile court system as a direct result of legislation which eliminates jurisdiction over runaway offenses (as distinct from offenders).

2. What is the effect of divestiture on the rate of contacts for delinquent and status offenses of youths drawn into the sample on runaway incidents? If divestiture produces relabeling by law enforcement officers, then the contact rate for delinquent acts should increase and the contact rate for status offenses should decrease.

3. What is the effect of divestiture on the probability that a runaway will be referred to court for something, during a specified time period?

4. Are delinquents who have a prior history of running away dealt with in a different manner (harsher or more lenient) than delinquents without a history of running away and what is the impact of divestiture on this?

Data to examine these issues are from the individual-level case histories of runaway and delinquent youths drawn from the Seattle and Yakima police department files.

Table 5 contains a profile of runaway youths in Seattle and Yakima for the pre and post time periods. The average age of runaways in both jurisdictions decreased in the aftermath of the divestiture legislation. In Seattle, the average age declined from 14.8 years to 14.1 years and in Yakima the decline was from 15.1 years to 13.5. Regression analysis in which the implementation of the law is examined as an independent variable, controlling for trend and interaction effects, indicates that the decrease in age was statistically significant (beyond the .001 level) in both jurisdictions. Seattle also exhibited an increase in the probability that youths contacted as runaways would be black or other minority (Hispanic or Asian, primarily). Minority youths constituted 22 percent of the runaway contacts in the pre time period compared with 38 percent in the post. In contrast, Yakima shows a decline in the proportion of minority youths contacted as runaways (.15 to .10) but the change is not significant. Runaway youths were more apt to be female than male in both jurisdictions and there was no change in the distribution of contacts between males and females as a result of the divestiture law.

The contact rates and proportion of youths with each of several different kinds of contacts during a three-month time period, pre and post, are shown in Table 6. In Seattle, the total number of contacts for runaway youths, excluding the incident for which they were drawn into the sample, was .74 in the pre time period and .70 in the post. This difference, which is not statistically significant, indicates that runaways were just as likely to be contacted by law enforcement (for some kind of offense) after the divestiture law was passed as before. In Yakima, the contact rate increased markedly (from .73 to 1.46 contacts during a three-month time period. In both places, the rate of contacts for delinquent acts increased (from .27 to .70 in Seattle

TABLE 5. PROFILE OF RUNAWAYS IN SEATTLE AND YAKIMA

	Seattle		Yakima	
	Pre	Post	Pre	Post
AGE	N = 172	134	N = 87	48
12	1%	9%	1%	4%
13	9	9	5	4
14	23	18	17	24
15	25	27	27	29
16	24	25	34	28
17	15	12	13	10
18	2	0	1	2
RACE	N = 172	134	N = 92	58
White	78	62	85%	90%
Minority	22	38	15	10
SEX	N = 176	137	N = 92	58
Male	45	46	38%	40%
Female	55	54	62	60

and from .34 to .67 in Yakima). The increase in delinquent contacts was expected--on the grounds that divestiture increases the incentive to record delinquent contacts that, in the past, might have been adjusted since the youth could be referred as a runaway. However, it also was expected that there would be a reduction in the number of runaway contacts, but this phenomenon was observed only in Seattle where the frequency of contacts for running away went from .47 to zero in the post period. It appears as if the Seattle police simply did not contact a youth for being a runaway more than once in the post time period. The increase in contacts for running away which occurred in Yakima (from .39 to .79 contacts during the three-month time period) indicates that divestiture does not necessarily reduce or eliminate contacts for running away but that this is primarily a matter of local police department policy.

Table 6 also shows that 27 percent of the runaways in Seattle had a prior contact as a runaway in the pre-divestiture time period and none had a prior contact in the post time period. This, again, indicates that the Seattle policy was to not contact a youth more than once for running away. In Yakima, the proportion of youths with a prior runaway contact in the pre time period was 23 percent and this increased to 40 percent in the post time period. Of more immediate concern are the proportions who were contacted for delinquent acts and these figures changed as expected: in Seattle, 24 percent of the runaways in the pre time period had been contacted for a delinquent act during the three-month time period and this increased to 45 percent, post. Very similar figures were observed in Yakima: an increase from 28 percent to 46 percent.

There are two possible explanations for these changes. One is that runaway youths began committing far more delinquent acts after the law was

TABLE 6. CONTACT RATES, PRE AND POST, FOR RUNAWAY YOUTH IN SEATTLE AND YAKIMA<sup>1</sup>

	Seattle		Yakima	
	Pre	Post	Pre	Post
No. of cases	176	114	92	54
3-month contact rates				
Total contacts	.74	.70	.73	1.46
Delinquent Contacts	.27	.70	.34	.67
Runaway Contacts	.47	.00	.39	.79
Proportion with one or more contact				
Runaway	27%	0%	23%	40%
Delinquent	24%	45%	28%	46%
Class A felony	3	1	1	2
Class B felony	7	12	7	11
Class C felony	3	8	7	8
Class D misd.m.ent	9	19	13	22
Class E misd.m.	3	8	2	11

<sup>1</sup>This table shows the number of law enforcement contacts with youths in the runaway samples which occurred during a three-month time period prior to the disposition of the immediate incident. The immediate incident is not included in the totals.

passed and the other is that the authorities were more inclined to record delinquent acts committed by runaway youths in the post time period. The latter is the more likely interpretation of the data. The increase in delinquent contacts occurred mainly in the minor offenses (see Table 6) of class D and class E misdemeanors. Thus, it appears as if law enforcement officers responded to the divestiture legislation not by reducing their total number of contacts with runaway youths, but by recording a greater proportion of the delinquent acts committed by runaways.

Table 8 shows the proportion of runaways who were referred to court, filed on, placed on probation, and so forth in the pre and post time periods. These data include the disposition of the immediate incident and of any other delinquent or runaway contacts during the three months immediately preceding the offense for which the youth was drawn into the runaway sample. The purpose of the analysis is to determine whether the divestiture legislation altered the probability that runaways would become involved with the court for something, even if the incident precipitating the action was not a runaway offense.

In both jurisdictions, the probability that a runaway would be referred to court, for some delinquent or status offense, dropped considerably as a result of the divestiture legislation, but it did not drop to zero. In Seattle, runaways in the pre-371 era had a .52 probability of being referred to court during the three-month time period including the immediate incident and a .28 probability in the post time period. In Yakima, the likelihood of referral dropped from .53 to .37. It should be noted that in both jurisdictions the probability of referral in the post time period is considerably below the proportion of youths who committed delinquent acts and could have been referred. In Seattle, 45 percent of the youths drawn into the

TABLE 7. DISPOSITION PROBABILITIES (PRE AND POST) FOR RECENT LAW ENFORCEMENT CONTACTS OF RUNAWAY YOUTHS IN SEATTLE AND YAKIMA<sup>1</sup>

Disposition	Seattle		Yakima	
	Pre N = (176)	Post (114)	Pre N = (92)	Post (54)
<u>Referred</u> (for delinquent or status offense)	% 52*	% 28*	% 53%	% 37%
<u>Filed</u> (for delinquent or status offense)	11*	19*	23	19
<u>Probation</u> (for delinquent or status offense)	3	8	0	9
<u>Detention</u> (for delinquent or status offenses)	1	3	2	0
<u>Placed in Group</u> or Foster Home (for delinquent or status offense)	2	0	6	0
<u>Sanction</u> (any sanction for any offense)	7*	14*	13	11
<u>Confinement</u> (any confinement, for any offense)	4	6	13*	4*

[\* denotes a statistically significant difference between the pre and post time periods of .05 or better]

<sup>1</sup>Figure show the proportion of youths in the runaway sample who received each disposition for any delinquent or status offense contact with law enforcement that had occurred within three months of the immediate incident (i.e., before the immediate incident). Because there were no status offense incidents referred, filed, and so forth in the post period, the figures for the post period refer only to delinquent contacts whereas the figures for the pre period include status offense and delinquent contacts.

sample as runaways had been contacted for a delinquent act and only 23 percent were referred; in Yakima the comparable figures are 46 percent contacts and 37 percent referrals. The referral rate for runaway youths who also commit delinquent acts is somewhat below that for delinquents as a whole.

Table 7 also shows the proportion of youths in the runaway samples who receive each of the other major dispositions. In Seattle, two statistically significant changes were observed: runaways were more likely in the post time period to have charges filed against them, for either a delinquent or status offense and were more apt to receive a sanction of some type. Similar changes were not observed in Yakima. In fact, there was a statistically significant decline in the probability that a runaway youth would be confined (from .13 to .04). Otherwise, there were no changes in the probability that a runaway youth would receive the various dispositions available to the court.

The final issue to be examined with these data involves delinquent youths drawn into the samples and whether these youngsters are dealt with differently by the juvenile court if they have a history of running away. To conduct this analysis, the best-fitting regression model for both the pre and post time periods was developed. Legally-relevant variables that had statistically significant explanatory power for each of the dispositions were permitted to enter the equation first. These variables included the number of prior adjudicated offenses, the number of prior nonadjudicated delinquent contacts, the seriousness of the prior offenses, the seriousness of the immediate offense, and the age of the youth.<sup>48</sup> In addition, sex was permitted to enter the equation if it correlated significantly with the disposition. After these variables were in the equation, a variable representing the total number of prior runaway contacts was examined to see if dispositions differed systematically in relation to the number of prior runaway contacts. The results are shown in Table 8.

TABLE 8. EFFECTS OF RUNAWAY PRIOR HISTORY ON DISPOSITION OF DELINQUENCY CASES, PRE AND POST, CONTROLLING FOR OTHER VARIABLES

	Seattle # of Runaway Priors		Yakima # of Runaway Priors	
	Pre	Post	Pre	Post
	beta	beta	beta	beta
Refer (0 = not refer 1 = refer)	n.s.	n.s.	n.s.	n.s.
file (0 = not file 1 = file)	n.s.	.10**	n.s.	n.s.
Sentence Index (1 = divert or adjust 2 = probation 3 = 1 to 30 days detention 4 = commitment)	n.s.	.16***	n.s.	n.s.
commit (0 = not commit 1 = commit)	n.s.	.18*	(too few cases)	

<sup>1</sup>Other variables controlled in the equations were number of prior adjudicated offenses, seriousness of prior offenses, seriousness of the immediate offense, number of prior delinquent contacts, age and sex.

In Yakima, prior contacts as a runaway were not relevant in determining the disposition of delinquency cases in either the pre or post time period but the results in Seattle are quite remarkable. Although there was no relationship between dispositions and runaway priors before the law was passed, there was a marked effect in the post-divestiture time period. The data clearly indicate that delinquent youths with prior histories of running away were dealt with more harshly than were delinquents who had not run away. The only exception to the pattern is in law enforcement referrals which show no impact. Otherwise, however, delinquents who have run away from home are more likely to have charges filed than are youths with no background as a runaway, are more likely to receive a harsher sentence and are more likely to be committed to a state institution.

#### CONCLUSIONS

The positive effects of divestiture discussed earlier in the report are at least partially offset by the findings in this chapter. Even though Washington succeeded in completely eliminating runaway and other status offenses from the jurisdiction of the court they did not succeed in removing status offenders from court authority. The continued involvement of runaways in the court system is due to the fact that these youths also commit delinquent acts and do so with enough frequency that a substantial proportion (close to half) could be referred to court by law enforcement officers during a three-month time period. Although fewer than this are actually referred (28 percent and 37 percent, respectively, in Seattle and Yakima) the obvious implication is that divesting status offenses cannot be expected to remove all status offenders from the court. The data also indicate that divestiture may produce an incentive for law enforcement officers to "relabel" runaways in the sense that a greater proportion of their delinquent incidents are recorded in

police data. This does not mean that the first label (i.e., the one used in the pre-divestiture system) was correct and the second label is wrong. Rather, the process as we have conceptualized it is one in which law enforcement officers have the discretion to deal with either the status or the delinquent incidents because many of these youths exhibit both kinds of behavior within a remarkably short period of time. The importance of relabeling lies not in its indictment of the system which produces it but in its implications for the use of divestiture as a means of reducing the extent of court control over juveniles who have various kinds of family problems typically underlying runaway and other types of status misbehaviors. Those who wish to use divestiture as a means of reducing the extent of court control over youths with family problems should be aware that the impact may be far less than might be estimated on the basis of the number of status offense incidents handled by the system. Also, the impact may be substantially less than what would be expected in terms of the number of delinquent acts committed by status offenders in a traditional juvenile justice system. The process of relabeling by law enforcement may increase the incidence of recorded delinquent behavior.

Of even greater relevance, perhaps, is the finding in Seattle that court officials dealt more harshly with delinquents who had a prior history of running away. To mete out harsher and more controlling dispositions for delinquents with a background of running away is contrary to the intent of the Washington law dealing with offenders: sentences are to be based on the severity of the incident, the number of prior adjudicated delinquents acts, and the age of the youth. Family problems are to have no role in determining the disposition--certainly not in increasing the stiffness of the penalty.



**CONTINUED**

**1 OF 2**

## CHAPTER 6. THE VOLUNTARY SERVICE SYSTEM

### INTRODUCTION

Passage of the reform code in Washington relieved the juvenile court of responsibility for runaways, incorrigibles, truants and other status offenses. In place of the "mandatory treatment" approach of the past, the new legislation provided for a system of voluntary services and non-secure facilities to be made available through the state Department of Social and Health Services. Specifically, the initial reform law directed DSHS to:

1. Maintain a 24-hour hotline intake service throughout its regional and local offices in the state;
2. Provide crisis intervention services to runaways and children in conflict with their families (defined as up to four hours of immediate service;)
3. Provide (either directly or on a contract basis) longer-term counseling services consisting of up to 15 hours within the next 30 day time period;
4. Maintain eight nonsecure crisis residential centers in each of the six regions of the state which could provide overnight accommodations for runaway youths;
5. Maintain 30 local crisis residential centers (defined as specialized foster care) throughout the state which also could provide overnight accommodations for runaway youths.

The legislation created a new jurisdictional authority which permitted court involvement in contested requests for alternative residential placements for juveniles. A type of no fault procedure was provided in the

bill was passed without any appropriations to DSHS for the provision of the crisis intervention services (CIS) or for the development of the crisis residential centers (CRCs). The lack of appropriations was a strategic decision made by those supporting the bill as they feared that consideration by the appropriations committees would endanger passage of the reform bill itself. In lieu of specific appropriations in 1977, a one-year time lag before implementation was approved in anticipation that the usual special session of the legislature would be called and that it would appropriate funds. Governor Dixie Lee Ray, however, did not call a special session of the responsibility to implement its parts of the law without any additional state funds. Requests were made to the federal Office of Juvenile Justice for grants to assist in the implementation of the code and \$3.1 million eventually was awarded. This grant, however, was approved three months after the law went into effect and most of the programs for which it was intended were not in place until six to nine months after the law had been implemented. Thus, in the very early months of the reform effort DSHS provided crisis intervention services through its regular network of offices and social workers, but there were no specialized facilities which could provide overnight accommodations for runaways or other status offenders who previously had been placed in juvenile detention centers. These youths apparently were either left to their own devices (which produced numerous criticisms of the new system from parents and others) or were placed in normal foster homes. The latter option also produced considerable criticism and opposition from foster parents who were not well-equipped to deal with the older, more unruly, youths they were now asked to care for on a temporary basis.

initial law which permitted any juvenile or any parent to petition the court for approval of an out-of-home-placement. This jurisdictional authority, however, should not be confused with jurisdiction over status offenses because the court cannot initiate the proceeding and because status misbehavior of the youth is not a necessary or a sufficient cause for an ARP hearing to be held.

The Washington approach to providing services, as envisioned in the initial reform bill passed in 1977 and implemented in 1978, was virtually identical to the IJA/ABA prescriptions for dealing with non-criminal misbehavior. In many instances, the exact wording of the Standards was almost used in the Washington law. As will be documented more fully below, however, nothing worked quite the way it was intended and the voluntary service system was hampered by innumerable problems from the outset. The purposes of this chapter are to describe those problems and to document the changes made in response to the issues that were raised. Most of the analysis is based on documentary information and surveys of crisis intervention service workers and crisis residential center directors.

#### PROBLEMS AND CHANGES IN THE SYSTEM

The major problems in the voluntary service system have been grouped into five categories: resources, referrals and access to treatment, the crisis residential centers, the "untreated" youths, and the alternative residential placement (ARP) procedure available from the juvenile court.

##### Resources

Inadequate resources was one of the first problems encountered by the new approach and it has been the most pervasive. The initial reform

bill was passed without any appropriations to DSHS for the provision of the crisis intervention services (CIS) or for the development of the crisis residential centers (CRCs). The lack of appropriations was a strategic decision made by those supporting the bill as they feared that consideration by the appropriations committees would endanger passage of the reform bill itself. In lieu of specific appropriations in 1977, a one-year time lag before implementation was approved in anticipation that the usual special session of the legislature would be called and that it would appropriate funds. Governor Dixie Lee Ray, however, did not call a special session of the responsibility to implement its parts of the law without any additional state funds. Requests were made to the federal Office of Juvenile Justice for grants to assist in the implementation of the code and \$3.1 million eventually was awarded. This grant, however, was approved three months after the law went into effect and most of the programs for which it was intended were not in place until six to nine months after the law had been implemented. Thus, in the very early months of the reform effort DSHS provided crisis intervention services through its regular network of offices and social workers, but there were no specialized facilities which could provide overnight accommodations for runaways or other status offenders who previously had been placed in juvenile detention centers. These youths apparently were either left to their own devices (which produced numerous criticisms of the new system from parents and others) or were placed in normal foster homes. The latter option also produced considerable criticism and opposition from foster parents who were not well-equipped to deal with the older, more unruly, youths they were now asked to care for on a temporary basis.

The problem with resources did not end, however, with the receipt of the federal grant as these were exhausted within approximately 18 months and the 1979 legislature appropriated \$1.1 million of additional funds to DSHS for the purpose of continuing some of those programs. At about that time, however, Washington was suddenly faced with the most severe financial crisis in its history and massive cuts in all agency budgets began immediately. It is not possible to disentangle expenditures for services or facilities targetted specifically for the ex status offenders from those available to other categories of DSHS clients and, therefore, there is no way to determine the actual cost of the new approach or to calculate the amount of funds "needed" compared to that which has been provided. (Unless, of course, DSHS officials would undertake this kind of study or analysis). Nevertheless, most observers in Washington believe that the voluntary approach was seriously hampered from the outset because of inadequate resources.

#### Referrals and Access

The Washington legislation was very specific regarding who could request crisis intervention services and what these were to consist of. For example, RCW 13.32a.040 states:

Families who are in conflict may request crisis intervention services from the department. Such services shall be provided to alleviate personal or family situations which present a serious and imminent threat to the health or stability of the child or family and to maintain families intact wherever possible. Crisis intervention services shall be designed to develop skills and supports within families to resolve family conflicts and may include but are not limited to referral to services for suicide prevention, psychiatric or other medical care, or psychological welfare, legal, educational, or other social services, as appropriate to the needs of the child and the family.

In addition, these same services are to be extended to runaways placed in temporary shelter care:<sup>9</sup>

"...Where a child is placed in a residence other than that of his or her parent..., the department shall make available crisis intervention services in order to facilitate the reunification of the family."  
(RCW 13.32A.100)

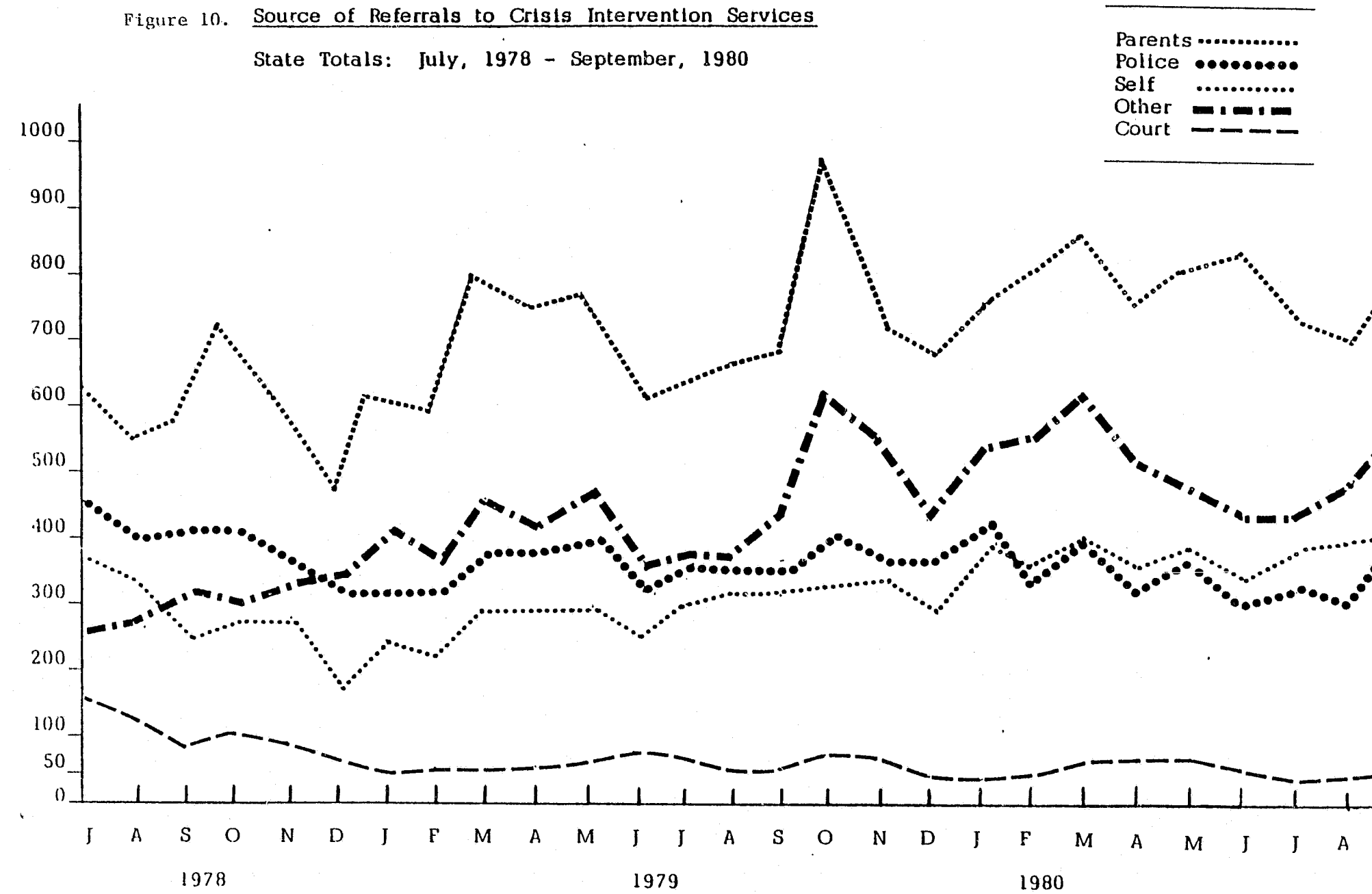
During the first two years after the law was implemented, requests for services averaged 1,896 per month (slightly more than 22,000 per year). Figure 10 shows the number of referrals by their source as well as the referral patterns over time. Most referrals were made by patterns and many of the requests were from the youths themselves--particularly for shelter care. Other data from DSHS indicates that nearly half of the requests for temporary shelter services were made by runaway youths.

The service delivery process begins with a referral/intake phase which, if the service provision lasts for one hour or less, does not result in the case being officially opened. If the services require more than one hour, the case has to be officially opened for phase I (Crisis intervention services of up to four hours). State-wide data collected by DSHS shows that approximately 60 percent of all referrals were handled within one hour and were never officially opened for phase I. Of those cases which were opened for phase I services, only 20 percent were referred on to some type of phase II service (15 hours over the next 30 days).

Although there were numerous criticisms of the new system, the state-wide data indicate that the crisis intervention services were available immediately after the law was implemented (i.e., July, 1978) and were serving virtually a full contingent of clients within the first month of operation. These data also show that DSHS accepted referrals from all

Figure 10. Source of Referrals to Crisis Intervention Services

State Totals: July, 1978 - September, 1980



sources, including parents and self-referrals. Law enforcement officers who, in the early months of the new law, commonly were accused of ignoring status offenders, accounted for a substantial portion of the referrals on a state-wide basis.

Even though these data do not indicate a lack of accessibility, concern over this issue was commonly heard in the initial months after the law was passed and the 1979 amendments made it very clear that (1) DSHS was expected to accept referrals from parents and to accept self-referrals, and (2) law enforcement officers were required to take runaways into custody and refer them to CIS workers and CRS facilities if the situation could not be resolved easily by the officer. These changes might account for the noticeable jump in parent referrals that occurred in October, 1979 (the amendments went into effect in September, 1979) but there was no increase in the number of law enforcement referrals. There also was a noticeable and sustained increase in referrals from other sources that occurred right after the amendments went into effect. Most of the referrals in the "other" category are re-referrals by DSHS officials to initiate a second round of 30-day phase II services.

#### Crisis Residential Centers

The shelter care aspects of the new voluntary service system presented more problems than any other single part: these facilities were not available when the law was implemented; after they became available, they tended to receive clients with characteristics different than what they were intended for; they often were full and unable to accept new referrals; and for many jurisdictions, the regional centers were too far away to be used with much

consistency. Most of the CIS workers who responded to the survey indicated

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The shelter-care network was structured on the assumption that running away was a response to a family crisis: immediate crisis intervention services, therefore, would lead to family reconciliation and a return of the youth to the home. Thus, the shelter care system instituted for runaways had a 72-hour limit on the length of stay. CRC directors, however, reported that the average length of stay was more than five and a half days (one said that some youths stayed for six months). They also indicated that an ever-increasing number of disturbed and aggressive youngsters were referred and accepted into the facilities. Because these juveniles were the most difficult to place, they tended to say in the regional CRCs for long periods

of time. Four of the eight directors expressed concern that these youths were clogging their facilities and, as a consequence, few beds were available for other youths in need of temporary care.

To explore this issue further, directors of the CRCs were asked to describe the types of youngsters that the CRCs were intended to serve and they were then asked to compare the characteristics of the intended group with the youngsters actually referred and accepted into the CRC. These results are shown in Table 9. Most of the CRC directors expected their clients to be first or second-time runaways from intact families without serious or long-term problems. In contrast, however, the youths tended to be hard-to-place youths, chronic runners, dependents and so forth with many of them having serious personal or family problems. CIS workers as well as CRC directors confirmed the impression that the "incorrigible" child and the "runaway" were often the same youth.

The 1979 legislature sought to deal with some of these problems by amending the code in such a way as to require DSHS to provide new and more accessible overnight facilities for runaways. Specifically, the 1979 amendments required the development of 30 semisecure residential facilities in addition to the eight regional centers which also were designated in the 1979 changes as semisecure. The legislation defined semisecure to mean "staff secure" and to be in compliance with the federal definition of non-secure. The phrase semisecure was intended mainly to force the development of specialized foster care in most of the jurisdictions of the state. After these amendments were in place, all of the CRC directors were asked about the level of security at their facilities including whether they had a room with a lock and whether it had been used to restrain a youth who tried to

Table 9  
DESCRIPTIONS OF CRC YOUTH BY  
REGIONAL CRC DIRECTORS

CRC	Intended Service Population	Type of Youth Referred
"A"	-First or second time runner -Conflict with intact family	-The population intended, plus a small number of other types, i.e., state dependents.
"B"	-Runaway from parent/guardian -Family conflict implying a short-term stay -Occasional courtesy hold for hard-to-place	-20-30% emotionally disturbed -Runaways from group homes
"C"	-First time runner -Intact family -First or second time contact with the system	-"system kid" with history of multiple placement -Assaultive, disruptive youth
"D"	-Runaway -Child in conflict with family -Not a dependent	-More than 50% dependent "system kids" (chronic runners, street-wise, hard to handle)
"E"	-First time runner -Minor problem behavior -Intact family	-Hard-to-place youth -Chronic runners -Dependent, suicidal, psychotic
"F"	-Runner -Family conflict	-40-50% no intact families -Chronic runners -Probationers, parolees, and minor offenders
"G"	-Toughest status offenders, disturbed, chronic, incorrigible	-Consistent with expectation

run from the center. All stated that they had no locked areas. Instead, their strategy was to try to talk the youth out of running from the facility but they did not use physical restraints.

#### The "Untreated" Youths

One of the primary concerns about voluntary services is that they will not reach the youths who need them the most. It is obvious from the data presented earlier that the voluntary services are used: 22,000 requests (per year) for service represents a substantial number of clients. Nevertheless, the concern expressed by Justine Wise Polier, quoted earlier in this report, that juvenile court jurisdiction would end before adequate services were in place was echoed by many professionals throughout the state of Washington. The issue of inadequate services, however, does not pertain to the total group of ex status offenders but to a small subset of juveniles often called "shade of gray" children by professionals in the state of Washington. Representative Ron Hanna, chair of the House Institutions Committee which was instrumental in passing the reform bill, stated his worries about these youths some 18 months after the law went into effect:

It has been my experience that the 'shade of gray' children represent far and away the largest group not well served by law nor program.... They are the chronic homeless and runaway children who have failed in many foster, group, and institutional settings. They are children who seem to need a good deal of structure, even secure facilities. They are the incorrigible, pre-delinquent, semi-delinquent, or uncaught delinquent. They are children who need help - often intensive treatment - and may require this help 'against their will.'

All agency officials included in the survey were asked whether they believed there were some chronic runaways or chronic incorrigible children with serious behavior problems who were not receiving the services needed.



Virtually all believed this was true either because the services were not available or because some of the youths refused to use the ones that were offered. Estimates of how many youths fall into these categories, however, varied enormously. In testimony before various legislative committees, estimates have ranged from 200 to 10,000 statewide. Respondents to the survey were asked to estimate the number of these youths in their jurisdictions and, projecting to a state-wide population, the estimates range from approximately 750 (statewide) based on responses by the crisis intervention service workers and residential center directors to more than 2,500, based on estimates from law enforcement officers.

#### Alternative Residential Placements

Alternative residential placements (ARPs) are not a service offered by DSHS nor is this a service offered exclusively to ex status offenders. Rather, ARPs are provided for any family by the juvenile court when the child and parents do not agree on an out-of-home-placement. As with the provisions governing status offenses, the ARP provisions were copied almost verbatim from the IJA/ABA standards. There are, however, differences of considerable interest to advocates of children's or parent's rights. The key directives in the original 1977 reform law provided that the court could rule on an alternative placement upon the request either of a child or a parent. Primary consideration was to be given to the child's preferences regarding where he or she should live. The IJA/ABA standards, however, include explicit directives to the court which, in effect, say that the judge must approve the placement desired by the youth unless the court finds that the placement would "imperil the youth" by, for example, failing to provide physical protection, shelter or nutrition, or "unconscionably obstructing"

the juvenile's medical care, or exposing the juvenile to "unconscionable exploitation." House Bill 371 did not incorporate this language even though it did indicate that the youth's preferences were to be considered. The 1979 amendments, however, retreated even further from the "children's rights" position in the IJA/ABA standards. The amended version of the law specifically directed the judge to give proper weight to the intent of the legislature which was written as follows for the 1979 version:

The legislature finds that within any group of people there exists a need for guidelines for acceptable behavior and that, presumptively, experience and maturity are better qualifications for establishing guidelines beneficial to and protective of individual members and the group as a whole than are youth and inexperience. The legislature further finds that in the same manner, the rights and responsibility for establishing reasonable guidelines for the family unit belongs to the adults within that unit. The legislature reaffirms its position...that the family unit is the fundamental resource of American life which should be nurtured and that it should remain intact in the absence or compelling evidence to the contrary. (RCW 13.32A.010)

Even this change did not satisfy the critics and judges who participated in the assessment surveys noted several problems with the ARPs, particularly the fact that there were no enforcement mechanisms available to the court. Youths who refused to stay in the alternative placement could not be sanctioned by the court because the court had no jurisdiction over running away--even from court-ordered placements. Some of the judges indicated that they had never used the new procedure and did not intend to. Problems of nonenforcement were confronted directly by the 1981 legislature which once again amended this part of the law. The amendments permitted court jurisdiction to be extended over youths who run away from alternative residential placements. The maximum penalty that can be imposed, however, is seven day of local detention time.

## DISCUSSION

In spite of numerous problems with the voluntary service system, the state of Washington has maintained its commitment to the philosophical premises in the reform legislation and has refused to reintroduce mandatory treatment for even the more hard core status offenders. The new approach is supported quite strongly by crisis intervention service workers (although there is a noted lack of support, still, from judges, law enforcement officers, and court administrators). It is apparent from the interviews with professionals that most believe some youths who need services are not receiving them but it also is quite likely that, under the old system, these would have been the juveniles who were incarcerated. Thus, there is no simple solution for this small but visible group of youths who were not served well under the mandatory or voluntary treatment approaches.

## FOOTNOTES

1. The definitions for "status offenses" and "status offenders" have plagued practitioners, the federal agency, Congress, and those attempting to study these somewhat elusive youths. In this paper, we use the term status offense to refer to noncriminal misbehavior that formerly came under the jurisdiction of the court but which was removed from it by the 1978 law. This includes running away, incorrigibility, curfew violations, and being truant from school. A status offender, as we use the term here, refers to a youth who has been involved in this type of misbehavior and who has not committed a delinquent act as part of the same episode of behavior for which he or she could be prosecuted. Obviously, some youths have committed both status offenses and delinquent acts and may also have been the victim of offenses committed by their parents--neglect, abuse, and so forth.

2. The first task force report advocating divestiture was the 1967 President's Commission on Law Enforcement and Administration of Justice, Task Force Report: Juvenile Delinquency and Youth Crime. Others dealing with this issue are: The Model Act for Family Courts; the International Association of Chiefs of Police Juvenile Justice Administration; the NCCD Board of Directors Policy Statement; the National Advisory Commission on Corrections; the National Advisory Commission on Courts; the Uniform Juvenile Court Act; the Institute of Judicial Administration and American Bar Association Joint Commission Standard for Noncriminal Misbehavior; and the National Task Force to Develop Standards and Goals for Juvenile Justice: Jurisdiction--Status Offenses. A comparison of all of these is contained in the last one which was issued by NIJJDP, U.S. Department of Justice, in 1977. Those that advocate retention of jurisdiction are the National Task Force report and the Uniform Juvenile Court Act.

3. IJA/ABA Joint Commission on Juvenile Justice Standards. Standards Relating to Noncriminal Misbehavior. Cambridge: Ballinger Publishing Co., 1977.

4. Perhaps the best review of issues involved in deinstitutionalizing, diverting, and/or removing status offenders from court jurisdiction is in Charles P. Smith, et al., A Preliminary National Assessment of Status Offenders and the Juvenile Justice System: Role Conflicts, Constraints, and Information Gaps, American Justice Institute, April, 1980. Reports from the national evaluation of the deinstitutionalization of status offenders are becoming available, see Solomon Kobrin and Malcolm W. Klein, "Deinstitutionalization and Diversion of Juvenile Offenders: A Litany of Impediments," in Norval Morris and Michael Tonry [Eds.], Crime and Justice 1978, University of Chicago Press, 1979. Kathy Teilmann and Malcom Klein also have a preliminary report prepared on the effect of the change in the California law, see Teilmann and Klein, "Assessment of the Impact of California's 1977 Juvenile Justice Legislation," University of Southern California, 1979. Other books and articles of interest include Lee Teitelbaum and Adrien Gough [Eds.], Beyond Control: Status Offenders in the Juvenile Court, Ballinger, 1977; Boston University Law Review, July, 1977 (throughout; articles by Lindsay Arthur, David Gilman, and others are included). The journal, Juvenile Justice frequently has essays and empirical studies regarding status offenders and is an excellent source of information on the topic.

5. For a review of the efforts made in other places to be in compliance with the QJJD requirements of deinstitutionalization, see John L. Hutzler and Thomas S. Vereb, "State Legislative Compliance with 223(a)(12)(A) and 223(a)(13) of the JJDP Act: 1980 Statutes Analysis," National Center for

Juvenile Justice, Pittsburgh, 1980; and John L. Hutzler, "Juvenile Court Jurisdiction Over Children's Conduct: 1980 Statutes Analysis," National Center for Juvenile Justice, Pittsburgh, June, 1980.

6. This two-step procedure is at least partially attributable to the fact that in 1977 QJJD clearly defined local, short-term detention as being included in the prohibition against confinement.

7. Law Enforcement Assistance Administration (LEAA), Juvenile Justice and Delinquency Prevention Operations Task Groups. Program Announcement: Deinstitutionalization of Status Offenders. Washington, D.C.: LEAA, 1975.

8. For discussions and research on the labeling theory of secondary deviance, see: Edwin M. Lemert, Human Deviance, Social Problems, and Social Control, Prentice-Hall, 1972; Suzanne S. Ageton and Delbert S. Elliott, "The Effects of Legal Processing on Delinquent Orientation," Social Problems, October 1974, pp. 87-100; Gene Fisher and Maynard Erickson, "On Assessing the Effects of Official Reactions to Juvenile Delinquency," Journal of Research in Crime and Delinquency, July, 1973, 117-194. For an analysis of labeling theory as applied to status offenders, see Sharla Rausch, "Court Processing vs. Diversion of Status Offenders: Effects on Official Recidivism," paper presented at the meeting of the American Society of Criminology, San Francisco, 1980.

9. The rationale and political history of the Washington law is described in another report from the assessment: "A Justice Philosophy for the Juvenile Court" March, 1982.

10. See Malcom Klein's article on "Deinstitutionalization ..." cited in footnote 6.

11. Ibid., page 15.

12. Lindsay Arthur, see note 4.

13. See Charles W. Thomas, "Are Status Offenders Really So Different? A Comparative and Longitudinal Assessment," Crime and Delinquency, October, 1976. Also see Stanton P. Field, Lila Newsom, and Ruth M. Field, "Delinquents and Status Offenders: The Similarity of Differences," Juvenile and Family Court Journal, May 1981.

14. IJA/ABA Standards, see footnote 5.

15. These studies are summarized in Kobrin and Klein's National Evaluation Report and individual documents and papers have been prepared by most of the evaluators. Reports on the effects of the programs can be found in Charles H. Logan and Sharla P. Rausch, "An Evaluation of Connecticut's DSO Project," presented at the 1980 meeting of the American Criminological Society; Dean G. Rojik and Maynard L. Erickson, "Evaluation of the Pima County DSO (Deinstitutionalization) of Status Offender Project: A Case of Real Diversion." Other reports have been prepared by Susan Datesman and Frank Scarpitti on the Delaware program; by Stuart Deutsch and Jerry Banks on the South Carolina approach; by Irving Spergel and Jim Lynch on the Illinois DSO effort; and by Jack Isaacs on Alameda county. Information about the Clark county and Spokane county programs is contained in Anne L. Schneider, "Effects of Status Offender Deinstitutionalization in Clark County, Washington," and "Final Evaluation Report on the Spokane County Deinstitutionalization Program."

16. Information about the New Jersey program is contained in Dale Dannefer and Joseph DeJames, "Juvenile Justice in New Jersey: An Assessment of the New Juvenile Code," Department of Human Services, Trenton, New Jersey, December, 1979. Information about the Maine law was obtained from David Mangs, Florence Hiller School of Advanced Studies in Social Welfare, Brandeis.

17. See Schneider's report on Spokane, footnote 17.

18. Kobrin and Klein

19. Kobrin and Klein, Vol. 1, p. 31.

20. Teilmann and Klein.

21. Katherine S. Teilmann, "A Theory to Predict the Implementation of Reform Legislation," 1980, p. 9. Also see Katherine Teilmann Van Dusen, "Net Widening and Relabeling," American Behavioral Scientist, July/August, 1981 pp. 801-810.

22. Paul Lerman, "Trends and Issues in the Deinstitutionalization of Youths in Trouble," Crime and Delinquency, July, 1980.

23. Teilmann and Klein

24. The Washington law is codified in Title 13, Revised Code of Washington. Citations for the pre-reform law are from the 1977 edition. HB-3371 and SB-2768 are codified in the 1978 and 1979 editions, respectively. This particular quote is in RCW 13.34.010, 1977 ed.

25. RCW 13.04.120, 1977 ed.

26. RCW 13.04.095, 1977 ed.

27. Title I, Section 223, 1974 Juvenile Justice and Delinquency Prevention Act.

28. RCW 13.34, 1978 ed.

29. The Washington law was not as explicit in this regard as the IJA/ABA Standards.

30. RCW 13.32A.050, 1978 ed.

31. RCW 13.32A.070, 1978 ed.

32. Information on early reactions to the law is contained in Donna Schram, "Juvenile Justice," Police Research on Crime and Corrections: A Report to the Washington State House of Representatives, January, 1979, pp. 45-107.

33. Ibid.
34. RCW 13.32A, 1979.
35. RCW 13.32A, 1979.
36. The CRCs are "staff secure" There are no locks and no secure rooms.
37. Teilmann's work cited and the article by Klein and Teilmann on implementation cited in chapter 15 are the most definitive studies to date regarding the factors that impede implementation of juvenile justice policies. A number of other authros, dealing with different policy areas, have contributed usbstantially to our understanding of problems with policy implementation. Among the more recent and influential works about implementation are: Walter Williams and Richard F. Elmore, Social Program Implementation, New York: Academic Press, 1976, p. xiii; Paul Berman, "The Study of macro- and Micro-Implementation," Public Policy, 26:157-184, 1978; R. F. Elmore, "Organizational Models of Social Program Implementation," Public Policy, 26:185-288, 1978; K. A. Leithwood and D. Leithwood, "Evaluating Program Implementation," Evaluation Review, 4:193-214, 1980, M. Q. Patton Utilization-Focused Evaluation, Beveraly Hills, CA: Sage Publications, 1978; J. L. Pressman and A. B. Wildavsky, Implementations, Berkely, CA: University of California Press, 1973; Malcolm Klein and Kathy Teilmann, "A Framework for the Study of Juvenile Justice Legislation," in David Shichor and Delos H. Kelly, Critical Issues in Juvenile Delinquency, Lexington, 1980; C. E. Van Horn and D. S. Van Meter, "The Implementation of Intergovernmental Policy," Policy Studies Review Annual, 1:97-120, 1977; C. E. Van Horn and D. S. Van Meter, "The Policy Implementation Process: A Conceptual Framework," Administration and Society, 6:445-468, 1975.

38. Curfew can be considered a status offense in that it involves a youth who "wanders about in the nighttime" and in other ways fits into the loosely defined categories of status offenses contained in the old law. Curfew also constitutes a violation of city ordiances in some parts of the state and could be charged as an offense.

39. These are 1980 census figures recently released by the U.S. Census.

40. A regression equation based on the individual-level data indicates a statistically significant decline in the probability of a contact, given that there was a runaway report:  $Y = .35 - .15 \text{ Prepost}$ ;  $(p).15 = .02$ .

41. Considerable efforts were made to utilize Uniform Crime Report data on runaways to produce state-wide information about the net-widening issue. Unfortunately, the UCR data could not be utilized for this purpose. In most jurisdictions, the Uniform Crime Reporting system of arrests for persons under the age of 18 had included runaways that--by local definition--had been "arrested." (The actual definition of "arrest" for runaways differed from one place to another). After the law was passed, many jurisdictions ceased recording contacts with runaways in the UCR data because these contacts no longer constituted an "arrest." Thus, the UCR data show decreases in runaway contacts that reach zero and remain at zero after the law was passed even though law enforcement officers continued handling runaway cases.

42. Relabeling issues are discussed in Van Dusen (see Note 23), Lerman (note 24) and the citations in Note 4.

43. Teilmann and Klein.

44. See "A Justice Philosophy for the Juvenile Court," Vol. 1. The Reports from the Assessment.

**END**