



A TECHNICAL ASSISTANCE MONOGRAPH

Improving the Juvenile Justice System from Theory to Practice

116572

NCJRS

APR 17 1989

ACQUISITIONS

116572

IMPROVING THE JUVENILE JUSTICE SYSTEM:
FROM THEORY TO PRACTICE

A TECHNICAL ASSISTANCE MONOGRAPH

Prepared for:

U.S. Department of Justice
Office of Juvenile Justice and
Delinquency Prevention

116572

U.S. Department of Justice
National Institute of Justice

This document has been reproduced exactly as received from the person or organization originating it. 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 National Institute of Justice.

Permission to reproduce this ~~copyrighted~~ material has been granted by

Public Domain/NIJ

U.S. Department of Justice

to the National Criminal Justice Reference Service (NCJRS).

Further reproduction outside of the NCJRS system requires permission of the ~~copyright~~ owner.

This monograph was written under U.S. Department of Justice Contract #J-LEAA-012-81. Points of view or opinions stated in this monograph are those of the author and do not necessarily represent the official position or policies of the U.S. Department of Justice.

ACKNOWLEDGEMENTS

This monograph is the result of the work of many people. It builds upon the efforts of those who have worked to prevent and reduce crime over the years. Some are cited within the text, but there are many others too numerous to mention. Jim Brown, from the Community Research Center, our system improvements technical assistance contractor, must be credited for the discipline required to compile this specific technical assistance manual. Principal contributions in this monograph include the historical excerpt from the IJA-ABA Juvenile Justice Standards Summary Volume by Barbara Danziger Flicker and the substantive standards excerpted from the National Advisory Committee Standards for the Administration of Juvenile Justice. Special recognition goes to Tom Bird, of the Center for Action Research, for providing the framework for this series and spending countless hours in reviewing and providing suggestions for strengthening each monograph. Bob Brown and his staff at the Center for Community Change were involved in this effort from its inception to ensure that it is relevant to local community organizations. The diligence and persistence of Cathy Gilson, from Arthur D. Little, Inc., and Jeanette Weaver must be recognized; they are responsible for moving these documents from the draft stage to final publication. Dana C. Pierce, also from ADL, must be thanked for the long hours he spent in editing, as well as Elizabeth W. Daum and Michael McMillen of the Community Research Center for preparing the documents for final publication.

This monograph would not have been possible without the invaluable assistance of the staff within OJJDP and our many State and local partners. They have systematically applied many of the assumptions and much of the guidance contained in this publication. Within the Office, Kathy Costin, Doyle Wood, and James Gould, must be particularly recognized for providing the encouragement required to undertake an effort of this size.

TABLE OF CONTENTS

	<u>Page</u>
CHAPTER 1: INTRODUCTION.....	1
Overview.....	1
OJJDP's Goal Interpretation.....	3
Relationship of Monographs to OJJDP Activities.....	10
Uses of Technical Assistance.....	11
Document Profile.....	12
CHAPTER 2: THE HISTORICAL DEVELOPMENT OF THE JUVENILE JUSTICE SYSTEM.....	13
Introduction.....	13
Significant Events.....	13
CHAPTER 3: FRAMEWORK FOR ADMINISTRATION OF JUVENILE JUSTICE.....	21
Introduction.....	21
Juvenile Justice Functional Areas.....	26
CHAPTER 4: TECHNICAL ASSISTANCE STRATEGY TO IMPROVE THE ADMINISTRATION OF JUVENILE JUSTICE.....	47
Introduction.....	47
Establishing a Climate for Change.....	47
Criteria for Approving Requests for Technical Assistance.....	49
Application of Criteria.....	50
Kinds of Technical Assistance That Will Be Approved.....	52
Modes of Technical Assistance.....	53
BIBLIOGRAPHY.....	58



U.S. Department of Justice

Office of Juvenile Justice and Delinquency Prevention

Washington, D.C. 20531

FOREWORD

September 23, 1982

The Formula Grants and Technical Assistance Division (FGTAD), within the Office of Juvenile Justice and Delinquency Prevention, has worked with numerous States and local organizations toward the common goal of reducing juvenile crime and improving juvenile justice. The problems we deal with are complex and resistant to an immediate solution, so we must be tenacious and make systematic use of emerging knowledge in the field.

Different tasks fall to localities, States and the Federal government in achieving our goal; we must work cooperatively if we are to progress. The Formula Grants Program has provided States and localities the opportunity to participate with FGTAD in multi-State and national programs. It is a small program relative to national expenditures in juvenile justice, but it must and can have high demonstrative value. The technical assistance program must convey ideas which make that possible; ideas which build upon the existing knowledge base and years of experience with program implementation.

During the nine years since the passage of the Juvenile Justice and Delinquency Prevention Act, we have made great strides in knowing what works and improving local programs. Formula grants and technical assistance efforts have contributed significantly to making this possible; they permit us to continue our steady progress.

The Formula Grants and Technical Assistance Division is proud to sponsor this technical assistance monograph, *Improving the Administration of Juvenile Justice: From Theory to Practice*, and the remaining three in the series (*Alternatives To The Juvenile Justice System: From Theory to Practice*, *Delinquency Prevention: From Theory to Practice*, and *A Framework for Juvenile Justice and Delinquency Prevention: A Technical Assistance Monograph*). Each is designed within its purview to take stock of where we are and where we should be, and to provide practical suggestions for getting there.

This series also proposes programs that merit additional attention by the States and will be supported by technical assistance. The limitations of Federal resources do not permit a response to every request for assistance. However, I hope the monographs will go beyond the confines of a specific office and funding source. I hope they will provide the basis for expanding the systematic development of programs to improve juvenile justice and reduce juvenile delinquency. By taking one step at a time, we can make progress in addressing this serious national concern.

David D. West

David D. West, Director
Formula Grants and
Technical Assistance Division

CHAPTER 1

INTRODUCTION

OVERVIEW

The Office of Juvenile Justice and Delinquency Prevention (OJJDP) is directed by Congress to lead Federal efforts in juvenile justice and delinquency prevention. In its Formula Grants and Technical Assistance (FGTAD), the OJJDP combines financial and technical assistance so that:

- 1) States and smaller regions will be encouraged and assisted in implementing the Juvenile Justice and Delinquency Prevention Act; and
- 2) Efforts of grant and technical assistance recipients will build on the knowledge base of research and years of experience with program implementation.

Goals

The Division's intent is to focus its assistance on the development and implementation of programs with the greatest potential for reducing juvenile crime and to cultivate partnerships with State and local organizations. To that end, the Division has set three goals that constitute the major elements of a sound policy for juvenile justice and delinquency prevention. They are to:

- 1) Promote delinquency prevention efforts;
- 2) Foster the use of alternatives to the traditional justice system; and
- 3) Improve the existing juvenile justice system.

Specifically, the three goals may be amplified as follows:

- 1) Delinquency Prevention--A sound policy for juvenile delinquency strives to strengthen the most powerful deterrent to misbehavior: a productive place for young people in a law-abiding society. Preventive measures can operate on a large scale, providing gains in youth development while reducing youthful misbehavior. The Division's first goal is to identify and promote programs which prevent or preclude minor, serious, and violent crimes from occurring and which prevent the commission of status offenses.

- 2) Development of Community Alternatives to the Traditional Justice System--Communities cannot afford to place their responsibilities for juvenile crime entirely on the juvenile justice system. A sound policy for combatting juvenile crime makes maximum use of a community's less formal, often less expensive, and less alienating responses to youthful misbehavior. The Division's second goal is to identify and promote community alternatives for each stage of a child's contact with the juvenile justice system, emphasizing options which are least restrictive and best promote or preserve favorable ties with the child's family, school, and community.
- 3) Improvement of the Juvenile Justice System--The limited resources of the juvenile justice system must be reserved for the most difficult and intractable problems of juvenile crime. A sound policy concentrates the more formal, expensive and restrictive options of the juvenile justice system in two areas:
 - on youth behavior which is most abhorrent and least amenable to preventive measures and community responses; and
 - on the problems of youths and their families which exceed community resources and require more stringent legal resolution.

The third goal of the Division, then, is to promote improvements in juvenile justice and facilitate the most effective allocation of the resources of that system.

Monograph Objectives

To promulgate its policy and goals, the Formula Grants and Technical Assistance Division has prepared three monographs which describe its overall perspectives and goals, present suggestions on how these goals can be implemented, and explain appropriate uses of the Division's technical assistance. In publishing these three documents, the Division had several salient objectives:

- To offer the practitioner a summary of theory and research developed in the goal area over the past decade, with suggestions on ways of translating the concepts into actual practice;
- To promulgate the Division's formal policy and goals, so that States and local agencies seeking formula grants and technical assistance can readily determine whether the programs or requests they submit to the Office can be funded and/or supplemented within the constraints of the Division's policies and goals; and

- To provide criteria for OJJDP's own administrators, so that grants and technical assistance will be awarded against a common set of guidelines, so that the grants will be awarded on a fair and even basis.

OJJDP'S GOAL INTERPRETATION

To provide a more comprehensive understanding of how the Division views the three goal areas, each is discussed briefly in the following subsections.

Delinquency Prevention

This monograph emphasizes primary or preclusive delinquency prevention. Addressing delinquency prevention from this point of view requires a commensurate definition of the scope and cause of the problem. The perspective and strategy position summarized below draw upon the composite findings of contemporary theory and research about delinquency and its prevention.

Target Population--Which youths commit crimes? While most youths grow up relatively law-abiding, most occasionally commit crimes as well. The infrequent offenders commit about one-half of all FBI index crimes, but relatively few of the most serious and violent crimes. We are not necessarily frightened by these youths, but their contributions to the total costs of crime cannot be ignored.

Some youths--perhaps 4-8 percent of all youths--commit crimes more frequently; a few very frequently. They account for the other half of all index crimes and for a large share of the most serious and violent crimes (Empey, 1978; Weis and Sederstrom, 1981; Elliott, Knowles, and Canter, 1981). These youths do frighten us. However, after considerable effort no one can predict reliably, on an individual basis, who the frequent offenders will be, nor can they distinguish them from other offenders on any basis other than the frequency of their crimes. That is, we know them only after we see them several times. Further, the juvenile justice system is overburdened and its means are limited. To date, few programs have demonstrated an effect on delinquent behavior (Romig, 1978; Lipton, Martinson, and Wilkes, 1975).

If a reasonable chance to deal with the population of frequent offenders is to be offered, the general rate of juvenile crime, as well as the size of the frequent offender group, will have to be reduced.

Peer Groups--Powerful influences on both the less frequent and the more frequent offenders are pressure and support from their peers. Few

youths, it appears, persist in crime without such support. Delinquent groups tend to form among those who are characterized by failure and exclusion in common and, thus, find themselves together. Youths who lack opportunities and connections in conventional pursuits are most susceptible to influence by delinquent peers. Differences in income, race, and ethnicity tend to be associated with opportunity and exclusion and thus can complicate group formation, but these differences should not obscure the more general pervasive process. Miller (cited by Weis and Sederstrom, 1981) estimates that 20 percent of all boys of relevant age in all cities larger than 10,000 population are members of law-breaking groups. About 7 percent of these boys--about 1.4 percent of all boys of relevant age--may be members of distinct gangs with territories and uniforms, and these gangs tend to be concentrated in a few large cities.

Ties to Convention--Youths have strong ties to their families, schools, and work. Youths who have a stake in those conventional ties and activities are less likely to form delinquent peer groups or to be influenced by delinquent peers. They are bonded to--and thus controlled by--convention. Hirschi's useful description (1969) of the social bond can be extended to suggest the sorts of value which the bond provides. "Commitment" to conventional lines of activity is an instrumental association, which is likely to form when persons can be useful, can be competent, can exert some influence on what happens to them, and can build up some advantages for the future. When conventional behavior is rewarding, it produces a kind of investment or bond--a "stake in conformity"--which is both a reason to observe the law and a reason not to break it. That stake could be lost.

Bonds form through interaction. In their effort to synthesize social control and social learning theories, Weis and Hawkins (1980) suggest that bonds form best in the presence of specific opportunities for involvement, when the skills needed to exploit the opportunity are present, and when rewards for appropriate participation are consistent. They point to families as the important force for early socialization and schools as the prime arena for adolescents. Work and neighborhood play supporting parts.

In their analysis of social control, opportunity, labeling and social learning theories, Elliott, Ageton, and Canter (1979) suggest that consistency applies not just to rewards; bonds are likely to form in organized and predictable settings and to be weakened in settings that are disorganized and unpredictable for the actors. These authors also point to the importance of success and of the increasing integration in conventional contexts which success brings. Again, families are important in early socialization. Schools gain primary importance as students enter middle or junior high school; success and failure in school and school grouping practices contribute to the formation of peer groups. Finally, Elliott, Ageton, and Canter (1979) point to the influence of positive or negative labeling experiences--as others reward and punish our behavior, they also make judgments about us which shape our opportunities in the future.

These powerful tools of social control--organization, opportunity, skill acquisition, reinforcement, labeling, and group composition--are not personal characteristics. They are features and functions of socializing institutions.

Organizational Change Strategies--The Division concludes that selective change in existing organizations and practices for dealing with youths is the most promising and feasible course to substantial gains in delinquency prevention. Delinquency is a large, pervasive problem requiring large-scale initiatives. Therefore, the foundation for a delinquency prevention initiative should be an activity which involves large numbers of youths. Accordingly, delinquency prevention programs should be mounted in organizations which can support and strengthen families on a large scale: in schools, in organizations with extensive ties in communities and neighborhoods, and in organizations which support the transition from school to work.

For all of these organizations, delinquency prevention will be a secondary aim. Schools cannot--and will not--undertake substantial additional efforts for the sake of delinquency prevention; they can and may undertake initiatives which contribute to both academic achievement and delinquency prevention. While crime may occasionally be a focus for organizations, neighborhoods will not be sustained solely by a common interest in reducing crime. Activities which contribute to both delinquency prevention and to a neighborhood's development and improvement will be needed. Few families will remain engaged in an activity solely on the basis of its contribution to delinquency prevention. Activities which affect delinquency behavior and provide options to children, however, are more likely to be supported. In the face of high unemployment rates among youths and hard economic times, employment agencies and employers must concentrate on activities which contribute to training and placement of an effective and stable work force; if activities can be found which serve those purposes and affect delinquency, they may be supported on a larger scale.

In relation to the activities and budgets already in place in States and communities, the formula grants of OJJDP are miniscule at present or predictable levels. Thus, an effective use of such modest supplements is to facilitate desirable changes in existing organizations and programs, rather than to augment those programs or to create new ones. The Division will direct its technical assistance to the support of such initiatives.

The central problem of delinquency prevention, then, is to find new activities or to modify existing activities to serve both the primary goals of the host organization and the goal of delinquency prevention. As may be expected, the problems and benefits of implementation in this approach are different from those encountered in the implementation of more self-contained initiatives. Organizational change will be required. This monograph is intended to support the selection of appropriate organizational change activities and to guide their implementation.

Development of Community-based Alternatives

The term "community-based alternatives" refers to services or programs that are operated independently of the normal juvenile justice system and provide either resources for deflection of cases before entry or parallel options to the traditional system functions of police apprehension, court adjudication, or correctional sanctioning. By definition, community-based alternatives are situated in a defined geographic area or neighborhood, primarily serve youths from that locality, and also maintain programmatic linkages with nearby residents and youth-serving organizations.

Arguments supporting utilization of these juvenile justice system alternatives frequently focus on their potentially lower costs and greater effectiveness in reducing delinquent behaviors. Theoretically, the best counters to delinquency are attachments and bonding to conventional friends and family and commitments to adult-approved activities. These supports are more easily fostered or maintained in community-based programs and activities than in such justice system facilities as secure detention centers and large-scale State-operated training or reform schools. The use of alternatives for non-criminal juvenile offenders and those youths convicted of lesser crimes is also recommended to conserve the limited system resources for the most violent and serious delinquents.

For purposes of discussion and analysis in this monograph, community-based alternatives have been categorized, according to their justice system equivalent, as:

- Alternatives to intervention--diversion;
- Alternatives to court processing--conflict resolution;
- Alternatives to detention--pre-trial community supervision; and
- Alternatives to incarceration--community-based corrections.

Diversion--During the 1970's, diversion programs that either released youths who were charged with status offenses or minor crimes, or referred them to potentially rehabilitative services were promoted as a means of:

- 1) Minimizing court contact and thereby decreasing any stigmatizing effects;
- 2) Maintaining normal contact between youths and family or friends; and
- 3) Decreasing the costs of processing or formal intervention.

Subsequent evaluations of diversion programs (Romig, 1978; National Evaluation, 1981), however, found that these programs were not generally effective in reducing stigmatization, improving social adjustment, or increasing conforming behavior. Moreover, while diversion without further services was less expensive than processing, diversion with services was not always comparatively less costly.

Conflict Resolution--Alternatives to court functions refer to conflict resolution projects that usually involve mediation or arbitration in misdemeanors and minor felony cases. In such cases, the prosecutor, defendant, and victim consent to an alternatives mediation or arbitration process, but still retain the option of disputing the finding and having the case referred for usual processing. Although not so carefully evaluated as diversion programs, conflict resolution projects have been found to decrease decision-making time and require less attention by court officials. Further, the process is often better suited to cases involving a personal relationship between victim and offender than formal, adversarial procedures.

Detention--Alternatives to detention refer to placement options for juveniles arrested and considered dangerous to the community or themselves or unlikely to appear in court. Community alternatives include home detention, involving close supervision by parents and probation officer, foster care, and group home placements. These less restrictive resources have proven successful in ensuring court appearances (Pappenfort and Young, 1980) and have thus stimulated questioning about the use of secure detention for accused juveniles who are generally not likely to commit further offenses or miss court appearances.

Community-based Corrections--Community-based corrections refer to a range of residential and non-residential programs, including options like foster care, group houses, special projects for substance abusers or offenders with mental health problems, stipended work and vocational training, community service assignments and restitution programs. Restitution and community service programs are particularly popular among community correctional options, not only because of their potential impact on offenders, but as a symbol of the responsibility of the justice system to victims.

Research into the effectiveness of community-based residential centers and other alternatives has found them generally wanting, where the measure of success is limited to a reduction in recidivism. In fact, critics of alternatives claim that mere community location by itself does not necessarily make any program more effective, less costly, more humane, or even more conducive to reintegration of a youth with his community. On the basis of evaluations, however, the most promising projects adopt service approaches that diagnose each youth's problem in a particular area, set behavioral goals, give the youth an opportunity to practice the new behavior or skill, evaluate performance, reward the youth for successful behavior, and modify rehabilitative goals as necessary.

Two generic criticisms have been levied against the overuse or misapplication of community-based alternatives that need to be taken seriously in their design and establishment. The first is a general tendency to "widen the net" or increase the scope of judicial or other justice system controls over youths who would otherwise have been released or subjected to lesser restrictions. Secondly, alternatives that retain original charges or otherwise hold a conditional threat of punishment for not completing a mandated program may be infringing upon "due process" rights (McSparron, 1980; Hylton, 1982; Austin and Krisberg, 1982).

Certain general characteristics of community-based programs can be identified from research findings or theoretical frameworks as desirable features. One asset is service delivery to a general population of youths, not justice delinquents, so that participants have an opportunity to mix with and form attachments to law-biding counterparts. Other positive values are the encouragement of active participation in traditional roles for youngsters at school or in the community and the provision of opportunities for meaningful employment or the development of proven skills.

Given the evidence that at least some community-based alternatives show promise of effectiveness, advocates for alternatives can pursue certain strategies to encourage their adoption. These include emphasizing beneficial characteristics of alternatives; conducting well-designed evaluative studies; and incorporating innovations derived from current research findings into the programs.

Improvement of the Juvenile Justice System

The resources and powers of the juvenile justice system should be concentrated in two main areas:

- The first area of concentration must be on frequent, serious, and violent crime, which is unlikely to be handled effectively by any other strategy. There is a population of youths who are so highly alienated from society and so deeply involved in crime that no alternatives to formal traditional justice system intervention exist. These juvenile offenders constitute a small portion of all youths and even a minority of those who ever come in contact with police or appear in court. Thus, the scarce resources of the juvenile justice system should be concentrated on them.
- The second area of concentration for the traditional system includes some matters involving youths, their families, and schools which require particularly legal resolutions that only the courts can provide. Matters such as custody, probation of children, and emancipation are included in this category.

Considerable efforts have been undertaken in the areas of research, program development, and evaluations to develop strategies to improve the juvenile justice system. One of the best sources of information on these articles is the standards promulgated by such groups as the National Advisory Committee, the Institute for Judicial Administration, and the American Bar Association. In reviewing standards, several principles emerge that should apply to all operations of the juvenile justice system. These include:

- Support for primary restitution,
- Accountability,
- Protection of the rights of children,
- Use of the least restrictive options, and
- Obligations of intervention.

Each is briefly discussed below.

Support for Primary Institutions--The family remains the basic unit of our social order. Schools soon join parents in rearing children and grow increasingly important to youngsters; in fact, by the time children enter secondary school, schools probably are the more important influence on delinquent or conforming behavior. In high school, the prospect of a working life emerges, and the transition from student to worker, becomes increasingly important. Government policies, programs, and practices should support or strengthen these arrangements; they cannot, in any large way, substitute for them.

The older the child, the more energy should be devoted to promoting success at school and then to promoting independence. For juveniles for whom relationships at school have become untenable, Government policies should promote emancipation through vocational training, alternative routes to post-secondary education, job placement, and independent living.

Accountability--Together with any delegation of authority by or to a governmental entity must come limits on the exercise and duration of that authority and mechanisms to assure its appropriate use. Guidelines and review procedures should be established for all intervention, intake, custody, and dispositional decision. Stringent evaluation should be employed systematically to assure the wisdom and effect of that decision-making.

Protection of the Rights of Children--Age is not a valid basis for denying procedural protections when fundamental rights are threatened. Juveniles should be accorded both the protections provided to adults and the solicitous care postulated for children. And, there exist other means to deal with those juveniles whose age and behavior require more strict intervention.

Use of the Least Restrictive Options--Whenever there is a choice among various alternatives, the option which least intrudes on liberty and privacy and which most maintains and promotes bonds to conventional activities and persons should be preferred. Less restrictive and more effective options for all populations should be developed systematically to increase the range of choices. Secure detention and institutionalization should be regarded as a last resort for the most serious crimes and the violent crimes, and even then should be considered in relations to other options for dealing with such cases.

Obligations of Intervention--When liberty is restricted for the sake of rehabilitation, there is an obligation to offer a range of services reasonably designed to achieve the rehabilitative goals in the shortest time. Intervention justified upon the doctrine of parens patriae imposes the duty to provide the resources necessary to fulfill the promise of care and assistance. When the claim of rehabilitation is compromised by a lack of funding or by negative evaluation results, the power to intervene is also compromised, and adjustments are imperative.

RELATIONSHIP OF MONOGRAPHS TO OJJDP ACTIVITIES

In developing these monographs, the Formula Grants and Technical Assistance Division has drawn from a wide body of research, literature, evaluations, and other documents. In particular, the contents of these monographs should be considered in light of the work of the three Assessment Centers established by the Office of Juvenile Justice and Delinquency Prevention. These Centers are:

- The University of Chicago--National Center for the Assessment of Alternatives for Juvenile Justice;
- The American Justice Institute--National Juvenile Justice Assessment Center;
- The National Council on Crime and Delinquency--National Center for Integrated Data Analysis; and
- The University of Washington--National Center for the Assessment of Delinquent Behavior and Its Prevention.

Another source of information and guidance to the practitioner translating theory to practice in juvenile justice are the standards promulgated by various bodies. In particular, the following should be consulted:

- National Advisory Committee Standards for the Administration of Juvenile Justice; and

- National Advisory Committee on Criminal Justice Standards and Goals.

The Office of Juvenile Justice and Delinquency Prevention has many valuable resources in addition to those described above and documents of the Formula Grants and Technical Assistance Division. The Special Emphasis Division has sponsored a variety of demonstration programs relevant to the three goals discussed above and research documents are available through the National Institute of Juvenile Justice and Delinquency Prevention. Additionally, the Juvenile Justice Clearinghouse has documents available that are germane to these topics.

USES OF TECHNICAL ASSISTANCE

The Formula Grants and Technical Assistance Division seeks a partnership with local, State, and national organizations in which the Division can contribute its resources to well designed and well executed programs and activities which are consistent with the aims and principles of OJJDP, and which can be replicated on an expanding scale. Technical assistance requests come to the Office directly from juvenile justice agencies, and they are then reviewed by the Division for response. In its reviews, the Division considers the following general criteria:

- Relationship to OJJDP legislative mandate;
- Relationship to and consistency with Formula Grants and Technical Assistance Division goals;
- Appropriateness of Federal assistance relevant to a local problem; and
- Impact on the recipient and on the state-of-the-art of juvenile justice from responding to this request.

Technical assistance is provided through a number of different vehicles: on-site consultation, documentation and correspondence, training, and conferences. The strategy that is employed depends on the needs of the recipient and what is most helpful to him as well as the availability of resources.

In deciding where to focus technical assistance resources, special consideration will be given to supporting national organizations, supporting State personnel, and providing assistance to individual programs from which efforts the Division can advance the state of knowledge about successful intervention strategies. The rationale for this emphasis follows:

- Support for National Organizations--When influential national organizations invest their own resources in initiatives consistent with the aims and principles described above, the effectiveness of OJJDP's technical assistance can be increased by supporting the national organizations rather than their State or local affiliates. The Division seeks such relationships.
- Support for State Personnel--When State personnel take a strong lead in promoting and testing promising programs, and technical assistance providers can support them instead of working locally, both State leadership and the effectiveness of technical assistance can be magnified. The Division welcomes requests in which this relationship is offered.
- Support for Program Tests--Technical assistance will be improved by participation in a few of the most promising and rigorous program tests. The Division continually seeks partnerships in which technical assistance can complement efforts by State organizations, particularly OJJDP's State counterparts.

DOCUMENT PROFILE

In this particular monograph, Improving the Administration of Juvenile Justice, the Division offers many examples of areas in which juvenile justice administration can be improved. The contents of Chapters 2, 3, and 4 are described below.

Chapter 2 looks at the significant historical events and the emerging issues in the juvenile justice system from its embryonic stages with the opening of the New York House of Refuge in 1825, through the establishment of the Illinois Juvenile Court in 1899, to the due process revisions begun in In re Gault in 1967.

While the issues are dealt with in greater detail in the NIJJDP Comparative Analysis of Standards and State Practices, they are outlined here in their historical context so that the reader might view the administration of juvenile justice in perspective.

Chapter 3 provides a step-by-step process by which criminal justice councils, State advisory groups, and juvenile justice agencies can improve the administration and operation of juvenile justice. This chapter also suggests potential roles for Federal, State, and local governments and the general public.

Chapter 4 presents the FGTAD technical assistance program with particular attention to the criteria for approving requests for technical assistance. The chapter concludes with a statement of the kinds of technical assistance which will be approved and various modes of delivery.

CHAPTER 2

THE HISTORICAL DEVELOPMENT OF THE JUVENILE JUSTICE SYSTEM

INTRODUCTION

The creation and operation of a juvenile justice process in the United States has been, and continues to be, highly controversial with dynamic and everchanging underpinnings which are as much moral and religious as they are legal. Perhaps more than any other social issue, advocates and practitioners must have a clear and comprehensive understanding of the historical development of the juvenile justice system if they are to effect a meaningful change in its administration.

The literature is replete with various histories of the juvenile justice system. None, however, captures the controversy and divisiveness of the current issues more comprehensively than the Standards for Juvenile Justice, promulgated by the Institute for Judicial Administration and the American Bar Association. The history presented with this 20-volume set of standards is particularly relevant in that it follows an equally exhaustive examination of the Standards for Criminal Justice, developed during the 1960's.

The fact that many of the drafters and advisors involved in the IJA/ABA standards were also involved in the NAC Standards for the Administration of Juvenile Justice and the NAC Task Force Report on Juvenile Justice and Delinquency Prevention provides an important link among the three sets of standards generally conceded to be comprehensive in scope.

The following description of significant events and emerging issues is excerpted from the Summary Volume of the IJA/ABA Standards for Juvenile Justice.

SIGNIFICANT EVENTS AND EMERGING ISSUES

The development of the current juvenile justice system, often heralded as a courageous and innovative reform movement, is permeated with confused concepts, grandiose goals, and unrealized dreams. The system has failed in many ways. Yet it really is wonderful in many ways, too-- a social institution that cares, a separate court to deal exclusively with juvenile and family problems, a blending of public and voluntary programs, a body of law focused on the best interests of the child, and a correctional authority organized for the rehabilitation of

offenders. The system's inability to achieve its noble ideals can be understood best by examining its history.

The most significant fact about the history of juvenile justice is that it evolved simultaneously with the child welfare system. Most of its defects and its virtues derive from that fact.

Prior to the 19th Century, children who committed crimes were handled by the same institutions as adults. Children under 7 years were considered incapable of possessing criminal intent and they were deemed not responsible for criminal acts. For children between the ages of 7 and 14, however, the presumption was rebuttable. Otherwise, juveniles were tried by criminal courts and confined in jails and prisons for adults. Children who were inadequately cared for by their families were assisted with relative informality by their local communities or churches as charity cases. Thus, poverty and crime were treated separately before the rise of a formal child welfare system. Describing the historical development of social welfare in Great Britain, Walter A. Friedlander states, in his Introduction to Social Welfare: "The Poor Law of 1601 set the pattern of public relief...It established the principle that the local community--the parish--had to organize and finance poor relief for its residents, provide sustenance to the unemployable and children, and work to the able-bodied." Then, hailing the arrival of the British social security system and its national assistance programs, he wrote: "Voluntary agencies are now able to concentrate on their real task, on the difficult, intangible problems of bringing aid to human beings in need of understanding and encouragement, and, especially, on the prevention of juvenile delinquency."

That blending of the welfare function with a sense of social responsibility to intervene in the lives of poor families to prevent delinquency, categorizing victims of deprivation as incipient predators, expresses succinctly the prevailing fallacy governing the juvenile justice system today. Perhaps if the behavioral sciences had fulfilled their expectations by providing the capability of reliably identifying pre-delinquents and devising effective methods for rehabilitating them, the issue of justifiable, coercive intervention might have taken another form. The proven failure of science to do either eliminates the possibility of any such justification.

According to Sanford J. Fox's construction of juvenile justice reform in "Juvenile Justice Reform: An Historical Perspective", three events have received the accolade of a "major reform in the means of dealing with juvenile deviants." They are the opening of the New York House of Refuge in 1825, the establishment of the Illinois juvenile court in 1899, and In re Gault in 1967. Fox's "historical perspective" of the events has been described as revisionist, which also is reflected in his 1972 case book, Cases and Materials on Modern Juvenile Justice. Fox and the other revisionists rejected many of the altruistic interpretations of the accomplishments attributed to the 19th Century reformers. The innovative trend in the 19th Century was to create "shelters" for dependent, neglected, or abandoned children. As child welfare became a

more formal public concern, a moralistic "child saving" tone intruded. For example, a report by the Society for the Prevention of Pauperism in the City of New York in 1823 referred to parents as "too poor or too degenerate," whose children were "obliged to beg, and even encouraged to acts of dishonesty, to satisfy the wants induced by the indolence of their parents...." The report urged a "Christian community" to try to rescue these children from "sinking still deeper in corruption." The formula was clear: poverty and indolence yield corruption and delinquency. Or is it vice versa?

In either case, the next step for society was clear and it followed in 1825 when the New York House of Refuge was established under a charter granted to the Society for the Reformation of Juvenile Delinquents, the successor to the organization that issued the 1823 report on pauperism. It authorized the admission of "children as shall be taken up or committed as vagrants, or convicted of criminal offenses...as many...be proper objects." According to Fox, the "emphasis on minor offenses, belief in the innocence of the children despite their wrongs, and summary commitment procedures were all central features of the pre-delinquency campaign.

The parens patriae concept to support confinement in a House of Refuge was cited by a Pennsylvania court in Ex parte Crouse, 4 Whart. 9 (Pa. 1838). In that case, the statute authorized the House to admit children whose parents had shown them to be "incorrigible." The juvenile's mother had brought the charge and her father sought her release on a writ of habeas corpus on the grounds that the juvenile had been denied a trial by jury. As cited by Fox, the court held as follows:

The object of the charity is reformation, by training its inhabitants to industry; by imbuing their minds with principles of morality and religion; by furnishing them with means to earn a living; and above all, by separating them from the corrupting influence of improper associates. To this end, may not the natural parents, when unequal to the task of education, or unworthy of it, be superseded by the parens patriae, or common guardian of the community?

Fox calls the Crouse case the leading authority for the State's right "to make coercive predictions about deviant children."

The next major event was the passage of the Illinois Juvenile Court Act in 1899. Leading commentators attach different meanings to the Act, but its importance is undisputed. In an excellent article delineating some of the more extreme criticisms of the Illinois Act presented by Fox and by Anthony M. Platt in his 1969 study, *The Child Savers: The Invention of Delinquency*, Larry Schultz redresses the revisionist imbalance in "The Cycle of Juvenile Court History".

It may be impossible to discuss the first Juvenile Court Act without the intrusion of personal value judgments upon objective analysis, and this presentation is probably no exception. The Illinois Juvenile Court Act

can be said to have made the following contributions to the development of the juvenile justice system:

- 1) It established a separate court for cases involving juveniles under age 16 alleged to be delinquent, dependent, or neglected.
- 2) It defined a "delinquent" as a child under age 16 "who violates any law of this State or any city or village ordinance."
- 3) It introduced special procedures governing the hearing and disposition of juveniles' cases.
- 4) It required separation of children from adults when placed in the same institution.
- 5) It barred detention of a child under 12 in a jail or police station.
- 6) It provided for probation officers to investigate cases, represent the child's interest, or supervise children on probation.
- 7) Its purpose clause directed that "the care, custody, and discipline of a child shall approximate as nearly as may be that which should be given by its parents, and in all cases, where it can properly be done, the child be placed in an improved family home and become a member of the family by legal adoption or otherwise."

Some of the controversy over the significance of the Act was related to whether its provisions actually were innovations. The probation concept had been adopted from Massachusetts, and the new procedures and preferences for home-like treatment were part of the prevailing social welfare thrust in juvenile penology, as manifested in the House of Refuge provisions and increased emphasis on foster home placements. Fox and Platt claimed the Act was conservative, not progressive, pointing to the religious, middle-class biases inherent in the provision requiring placement with custodians (persons or institutions) who had the same religious beliefs as the child's parents, thus ensuring continued public subsidizing of private sectarian agencies. They also criticized its reliance on coercive predictions for crime prevention.

Three questions are implicit in this controversy:

- Are the informal summary proceedings prescribed in the Act desirable?
- Should middle-class values be imposed coercively on errant lower class juveniles, or can voluntary programs be entrusted with delinquency prevention?

- Is rehabilitation through involuntary treatment programs achievable (if that is assumed to be justification for the court's jurisdiction)?

Although not stressed in these analyses, it could be argued that the most reprehensible feature of the Illinois contribution to juvenile justice is the continued erosion of distinctions between juveniles who commit criminal acts, thereby demonstrating objectively that they are a present threat to community safety, and those who are themselves victims as abused, neglected, or dependent children.

Fox notwithstanding, there were a number of important events in the years between the Illinois Act and Gault, especially the expanding jurisdiction of juvenile courts and the burgeoning network of States passing juvenile court legislation. In 1901, non-criminal misbehavior was added to the definition of delinquency in the Illinois Act. However, punishment for such misconduct was an ancient tradition, with examples recorded in Colonial times.

By 1917, juvenile courts had been established in all but three States. The juvenile court was considered part of the total child welfare system, removing juveniles from the criminal law process and substituting a network of special programs for delinquent, dependent, and neglected children. These programs were supposed to solve problems through scientific methods, if appropriate, after removing the children from their blighted urban homes and inadequate families. A professional class of modern criminologists, sociologists, and social workers began to emerge to deal with the phenomena of delinquency and predelinquency in pursuit of the rehabilitative ideal. According to Platt, the emphasis was on studies of the socialization or treatment of delinquency and other deviant behavior, with the law seen as essentially irrelevant to those concerned about the causes and cures of delinquency.

The next major event took place in the revised New York Family Court Act in 1962, which not only combined its Children's Court and Girl's Term and other juvenile divisions in a single family court, but also created a new separate classification for non-criminal misconduct. The new label was PINS--Person in Need of Supervision. This label was supposed to be less stigmatizing than delinquent, which was supposedly less stigmatizing than criminal. It also was designed to represent an expectation that innovative treatment programs would be devised to meet the needs and circumstances of such children. Other States followed New York's example, rapidly adopting their own labels--CINS, CHINS, MINS, JINS. Some referred to them as "unruly minors." The misbehavior formerly included in the delinquency statutes in most States covered truancy, running away, disobedience, undesirable companions, staying out late, disruptiveness, sexual activity, and the catch-all, incorrigibility--all acts or conduct for which adults would not be punishable.

The two objectives of creating the special PINS category (those qualified were sometimes known as status offenders) were the elimination

of the delinquency stigma and the development of appropriate dispositional choices for such children, but they were never realized. The PINS label, connoting court contact, became almost as troublesome to the affected juveniles. Child care specialists and corrections officials were eager to proclaim their enlightened view that all of the labels were meaningless. A 1973 report of the Council of Voluntary Child Care Agencies, representing more than 100 member agencies in New York, gave the results of a survey of its membership in which the overwhelming majority opinion was that children in foster care had the most severe behavior problems of any children in residential care, regardless of the original reason for their placement. Similarly, the New York State Division for Youth (DFY), responsible for administering all State juvenile correctional facilities, officially adopted the position that distinctions between the problems they found in PINS and delinquent DFY residents were insignificant and did not necessitate separate programs. As first adopted, the New York Family Court Act provision on dispositions excluded placement of PINS in a training school. Within a year, the law was amended to authorize such placement.

Currently, the trend, as evidenced by the Juvenile Justice and Delinquency Prevention Act of 1974, is to bar confinement in secure facilities for juveniles charged with non-criminal misbehavior. But juvenile correctional authorities and other rehabilitation specialists have yet to demonstrate the ability to deal effectively with traditional adolescent behavior problems in coercive treatment programs, whether in a secure or non-secure facility. Their few successes are more than balanced by the regularity with which juveniles removed involuntarily from their homes to court-ordered placements reinforce the anti-social label affixed to them by society.

Perhaps it is not surprising that, after many years of relying on the informal procedures and rehabilitative goals of the juvenile court, there was a reaction against the patent failure of the system to protect society or to help the children subject to its jurisdiction. It also was becoming impossible to ignore the fact that the broad discretionary powers the court officials had been granted were resulting in flagrant discrimination against girls in some cases, boys in others, racial and ethnic minorities, and poor families. Selective interventions screened out white and both middle- and upper-class delinquents, who were returned to their home environments, with prescriptions for private treatment, regardless of the seriousness of their crimes. In most localities the juvenile court had become the place to prevent or punish crime from the ghetto as severely as possible and to enforce standards of social morality as informally as possible, with the juvenile court judges and probation workers charged with the duty to make these subtle, sometimes unfathomable, distinctions.

In 1966 and 1967, three events dramatized a growing concern about juvenile justice:

- The decision in Kent v. United States, 383 U.S. 541 (1966), requiring procedural regularity for a valid transfer from juvenile to adult court;

- The Task Force report, Juvenile Delinquency and Youth Crime, issued by the President's Commission on Law Enforcement and Administration of Justice in 1967, which expressed (1) grave doubts about many of the premises of the system, its effectiveness, and its lack of procedural safeguards, favoring voluntary services, and (2) skepticism about the validity of the status offense category; and
- In re Gault, 387 U.S. 1 (1967), a decision which held that juveniles accused of crimes are entitled to due process of law in the adjudicatory stage of the proceedings.

The Gault case required such minimal protection at the fact-finding hearing as notice of charges, right to counsel, confrontation and cross-examination of witnesses, and the privilege against self-incrimination. Subsequent Supreme Court decisions have expanded those rights in some cases and contracted them in others. Winship, 397 U.S. 385 (1970), compelled proof beyond a reasonable doubt for juveniles charged with criminal offenses in a juvenile proceeding, but McKeiver v. Pennsylvania, 403 U.S. 528 (1971), rejected a plea for trial by jury.

The members of the Court have published many memorable statements about juvenile justice. In Kent, Justice Fortas noted that the juvenile appeared to be receiving the worst of both worlds: "... He gets neither the protections accorded to adults nor the solicitous care and regenerative treatment postulated for children" (383 U.S. at 556). In Gault, he stated: "Due process of law is the primary and indispensable foundation of individual freedom. It is the basic and essential term in the social compact which defines the rights of the individual and delimits the powers which the State may exercise" (387 U.S. at 20).

But in McKeiver, Justice Blackmun spoke approvingly of "every aspect of fairness, of concern, of sympathy, and of paternal attention that the juvenile court system contemplates" (403 U.S. at 550). He considered those traits in juvenile court officials an adequate substitute for a jury trial, suggesting that there would be "little need" for a separate juvenile court if all the formalities of criminal trials were required.

The net result is total confusion as to the rationale for the unique characteristics of juvenile court, compounded by frequent references to lack of resources and other transient imperfections as the basis for "disillusionment" with the court, rather than the court's denial of inherent rights. The social compact theory of juvenile courts--that juveniles have traded off some of the formalities of due process for the benevolent purposes of the juvenile court--is distinguished from criminal justice and the malevolent punitive goals of adult court.

If the "due process" line of cases has failed to clarify the juvenile justice concept, the "right to treatment" line of cases may be the cause of the total breakdown. Demanding that the courts, executive branches, and the legislatures fulfill the noble premises of the juvenile court acts, the parties asserting a right to treatment argue that if the

institutions and programs in which juveniles are placed do not provide appropriate treatment for the purposes for which the dispositions were rendered, the juveniles are being deprived of their constitutional rights under the 14th Amendment. Courts in such cases as Morales v. Turman, 535 F.2d 864 (5th Cir. 1976), 383 F.Supp. 53 (E.D. Tex. 1973), and Martarella v. Kelley, 349 F.Supp. 575 (S.D.N.Y. 1972), have attempted to specify the minimum conditions that institutions must meet to qualify as proper environments in which to detain or confine a juvenile for treatment.

These cases have served admirably to challenge the practices and policies of the juvenile custodial authorities in maintaining inadequate and inhumane facilities under the guise of administering rehabilitative treatment programs. The cases rely also on Eighth Amendment arguments against cruel and unusual punishment in accusing the institutions of failing to provide confined juveniles with reasonable opportunities for normal growth and development. They have effected improved conditions in correctional facilities and a heightened awareness of the issues created by the incarceration of juveniles.

But the problem presented by the right-to-treatment line of cases is that it requires an implied concession that coerced treatment is a legitimate societal intervention in response to juvenile offenses; a tacit acceptance of the premise that causes of juvenile misbehavior or criminality can be diagnosed and treated; and acquiescence with the theory that such treatment for a juvenile offense will prevent future criminal behavior. The most critical issue raised by right-to-treatment is whether a court or a system of justice is the proper locus for diagnosing and treating behavioral problems. The question that has not been resolved in juvenile law is whether a court is capable of providing more than a forum for a fair hearing of the facts, a fair adjudication of innocence or guilt, and a fair penalty for the transgression of society's rules of acceptable behavior.

Thus we have traced the significant events that have culminated in the current juvenile justice system and suggested some of the issues they have raised. It is important to see an event whole and within its context to appreciate its impact. For example, if Gerald Gault had not been the victim of so flagrant an imbalance in the disposition to which he was liable as compared to an adult, would the same decision have been reached? Gault was committed to an institution for a maximum six-year term for an offense (making a lewd or indecent telephone call) for which an adult could have been punished by a fine of \$5 to \$50 or imprisonment for not more than two months. If the potential penalties for adults and juveniles had been more nearly comparable in the case, one wonders whether the court would have been moved to challenge the cherished myth of a benign, paternalistic, non-adversary proceeding designed to bring help to troubled children. And if the decision had not followed the President's Task Force report, and if juvenile crime and recidivism rates were not so high....

CHAPTER 3

FRAMEWORK FOR THE ADMINISTRATION OF JUVENILE JUSTICE

INTRODUCTION

The significant events and current issues in the juvenile justice system portray a system of justice which has been, and continues to be, in a state of flux; bending and restructuring itself at the whim and fancy of public opinion and political pressure. This chapter suggests a more stable approach for improvement of the juvenile justice process of investigation, arrest, custody, adjudication, disposition, and correction of juvenile offenders. The approach links the theory and research presented in the opening chapter with the policies and procedures enumerated in the NAC Standards for the Administration of Juvenile Justice.

From current research and program evaluation experience, FGTAD has concluded that:

- Rates of delinquent behavior are a reflection of the structure and practices of important social institutions primarily, including education, work, juvenile justice, community service, and their relations with the family;
- Gains in juvenile justice and delinquency prevention will be achieved most surely and durably by means of change in those structures and practices; and therefore,
- OJJDP's technical assistance should be devoted to assisting in those changes.

Furthermore, FGTAD believes that most people stay out of trouble most of the time when they have formed a bond to the conventions of these social institutions. This bond is maintained and strengthened when young people show the following four characteristics:

- Commitment: an interest or stake in something that misconduct will jeopardize;
- Attachment: to other people, so that violation of their expectations will cause distress in the young person;
- Involvement: an ongoing investment of time and energy in conventional, law-abiding activities; and
- Belief: in the moral validity of the societal rules that a young person is asked to obey.

Premises for Technical Assistance Policy

In general, the chain of causation moves from attachment to parents, through a commitment to the educational and occupational aspirations that schools attempt to instill, to a belief in the law. Within the context of this philosophical position, FGTAD bases its technical assistance policy and decisions on the following set of premises:

- Young people need to feel a sense of usefulness, a sense of competency, and an expectation that they are able to exert influence over the events that affect their present lives and the future. When youths are provided the opportunities to develop these feelings within the social institutions of our society, they are more likely to see a stake for themselves in society and they will have the expectation of becoming successful and productive adults.
- Because of their adolescent status, young people are not always afforded the legal and human rights that are afforded adults. Protection of rights is clearly an issue in families, schools, and social agencies because of the impact of these units on the development of the child. Even more so, the juvenile justice system must be a major target in this regard to ensure that the police, courts, and correctional agencies deal with each child under their jurisdictions in fair and humane ways.
- Resources for juvenile justice reform are scarce--and will remain so. The organizational change strategy is more dependent upon reallocation of existing local resources than on an infusion of new funds. Organizational change is not cost-free, but its costs are minimal in comparison to other approaches.

Inherent in the organizational change strategy is recognition that reduction of juvenile crime cannot be accomplished in piecemeal fashion. Concentration of our resources on only one aspect of juvenile delinquency--whether it be status offenses or serious and violent juvenile crime--will not have a significant impact on the reduction of overall juvenile crime rates. An effective policy for reducing juvenile crime rates, and one that is embodied in FGTAD's technical assistance policy, combines three separate but related approaches:

- It strives to strengthen the most powerful deterrents to crime by juveniles. It promotes creation of conditions for all young persons that enhance their bonding to the lawful conventions of society.
- It promotes the establishment and appropriate use of inexpensive community alternatives for those offenders whose behavior does not warrant supervision by the juvenile justice system.

- It advocates reallocation of juvenile justice system resources, both human and financial, so that the system can concentrate on those juvenile offenders who commit serious and violent crime and for whom supervision and control are most essential.

Juvenile Justice Linking Standards

The administration of juvenile justice is linked to this theoretical framework by three sets of standards which describe policies and procedures in the functional areas of administration, intervention, adjudication, and supervision. These standards are set forth in the Report of the Task Force on Juvenile Justice and Delinquency Prevention (1976), promulgated by the National Advisory Commission on Criminal Justice Standards and Goals; the Standards for Juvenile Justice (1977), compiled by the Institute for Judicial Administration/American Bar Association; and the Standards for the Administration of Juvenile Justice (1980), from the National Advisory Committee on Juvenile Justice and Delinquency Prevention. Each of these efforts is similar in at least four ways:

- 1) They deal with the theoretical complexities of competing philosophical foundations to the juvenile justice system;
- 2) They present a comprehensive approach for improving the juvenile justice system;
- 3) They analyze system-wide issues which are critical if the system is to work in a coordinated, efficient, fair, and consistent manner (the NAC standards, for instance, analyze all relevant issues in nine volumes of "working papers" within the context of national standards and State practices);
- 4) The three efforts have premised their product on a set of similar basic precepts.

This similarity is not surprising, given the continuing interaction between drafters and advisors alike throughout the 1970's. The basic precepts pervade all three efforts and, taken collectively, provide a basis for the administration of juvenile justice which will maintain and strengthen the essential conditions of the bond between youths and the conventions of society: commitment, attachment, involvement, and belief in the law.

The linkage which these standards have is illustrated in the basic themes summarized in the Standards for the Administration of Juvenile Justice:

- I. The family remains the basic unit of our social order--governmental policies, programs, and practices should be designed to support and assist families, not usurp their functions.

- II. Together with any grant of authority by or to a governmental entity must be the establishment of limits on the exercise and duration of that authority and mechanisms to assure accountability--guidelines and review procedures should be established for all intervention, intake, custody, and dispositional decisions.
- III. Age is not a valid basis for denying procedural protections when fundamental rights are threatened--juveniles should be accorded the best of both worlds--"the protection accorded to adults--(and) the solicitous care and regenerative treatment postulated for children."
- IV. Whenever there is a choice among various alternatives, the option which least intrudes upon liberty and privacy should be preferred--"when you swat a mosquito on a friend's back, you should not use a baseball bat."
- V. When rehabilitation forms a basis for the imposition of restraints on liberty, an obligation arises to offer a range of services reasonably designed to achieve the rehabilitative goals within the shortest period of time--governmental intervention justified upon the doctrine of parens patriae triggers at least a moral duty to provide the resources necessary to fulfill the promise of care and assistance.

Linkage Examples

There are numerous examples of the linkage between FGTAD policy and the standards for administration of juvenile justice. For example:

- When a young person commits an offense that warrants sanction by the juvenile justice system, the responsibility for developing and preserving the young person's bond with society remains. System policies and procedures that encourage frustration and alienation of young people are counterproductive. Young persons who have emerged from the supervision of the juvenile justice system with feelings of hostility and inadequate social skills are just as likely to engage in criminal activity as they were prior to their contact with the system. Often, the elements of a child's bond with society can be completely broken through negative experiences in the juvenile justice system.
- The juvenile justice system can maximize opportunities for youths involved in the juvenile justice system to develop and maintain essential social skills. Juveniles involved in the juvenile justice system should be supervised in environments that ensure proper protection of society, yet are also suitable for the youths' continued development. Juveniles involved in the juvenile justice system must be given the potential for re-

entering the mainstream of society with the skills and opportunities which will sustain law-abiding behavior. For example, a jail is not a suitable environment for young persons. It denies them educational opportunities, exposes them to sophisticated adult criminals, promotes fear and alienation, and imposes a stigma. A more appropriate secure juvenile institution is one which offers academic, vocational, and social programs. Reintegration programs are also essential in assuring that young persons who emerge from juvenile institutions do not find themselves detached from society and ill-equipped to lead a productive life.

- The system can promote one very important element of a child's bond to society--that of belief in the validity of the law. This can be instilled by a system that imposes fair and consistent sanctions. Too often decisions are based upon family background and financial status. When a system deals harshly with and incarcerates minor offenders, and yet time after time releases or deals leniently with repeat criminal offenders, it is no wonder that young people have little respect for the law. Young persons must learn that certain acts carry certain consequences. The juvenile justice process is notorious for delays between apprehension and disposition. The lapse of time is so long, it is often hard to relate the punishment to the crime.
- Nowhere in the administration of juvenile justice is the belief in the validity of our legal system more challenged than through the eyes of the victims of youth crime. Young people who, as a group, are the primary victims of youth crime are not only concerned by inconsistent sanctions, but confused by a system which allows preferential program opportunities to juvenile delinquents to the exclusion of law-abiding youth. FGTAD policy would encourage equal access to educational, employment, and community service opportunities for all youths.
- Consistent and fair decisions must be based upon information and objective criteria, not conjecture. Processes which increase the amount of information about previous offense history and gang organizations and activities increase the potential for swift, certain, and consistent responses to serious and violent offenses. But the generation of data and standards for decision-making must be accompanied by the capability to follow the process through disposition. Specialized units, such as intensive case management of juveniles in correctional institutions, are options for a comprehensive system response to serious and violent juvenile crime.
- The essential ingredient of an effective and efficient juvenile justice system is integration of all of its components: police, courts, and corrections. When a police force increases its capability to apprehend habitual offenders, the court must be

equipped to deliver swift and certain sanctions, and the correctional system must have the available resources to handle an increase in offenders requiring secure care and treatment.

JUVENILE JUSTICE FUNCTIONAL AREAS

The administration of juvenile justice is generally considered in four functional areas:

- Administration,
- Intervention,
- Adjudication, and
- Supervision.

The following subsections provide brief discussions of each area and a compilation of the policies and procedures excerpted from the Standards for the Administration of Juvenile Justice.

Administration

This area addresses the organization and administration of the entire juvenile justice system. Hence, the series of standards on the responsibilities and roles of each level of government, viz., planning, evaluation, personnel selection, training, and records, are intended to apply to all functions of the administration of juvenile justice (Figure 1).

The initial series of standards concerns the development of a multi-level planning and coordination process through which local communities, in conjunction with a single State agency, can identify their juvenile service needs and develop appropriate strategies for preventing delinquency and improving the juvenile justice system (Standards 1.111-1.114). The proposed organizational framework assigns the decision-making responsibilities to the local community, the level of government which is closest to the problems of youths and juvenile crime and most familiar with immediate resources and programs available. The State agency is responsible for integrating local and State plans and services, providing necessary technical, financial, and programmatic resources to facilitate the planning process, and developing an evaluation process to assess State-provided services and State and local planning activities (Standards 1.121-1.126). The Federal Government's role is to provide direction and appropriate resources, technical assistance, and training to the State and local communities (Standards 1.131-1.134).

The second series of standards focuses on the planning process (Standards 1.12-1.29). These standards delineate the necessary components of the process which the local community and the State can use to develop a plan to carry out the planning responsibilities described above.

The third series of standards concerns the development of an evaluation and research capability (Standards 1.31-1.32). It identifies the methods and mechanisms for providing information regarding the effectiveness of current programs, the scope of current problems, and the means for addressing those problems to assist the local, State, and Federal planning process.

The fourth series of standards deals with the selection and training of juvenile service system personnel (Standards 1.41-1.429). The provisions on the selection process stress that the staff of law enforcement agencies, family courts, educational agencies, and other components of the juvenile justice service system should be chosen on a merit basis, and should include men and women from a variety of ethnic and social backgrounds. The standards on training focus on specific types of personnel and recommend that pre-service and in-service training be provided on the policies and assumptions underlying the juvenile service system, as well as on techniques for dealing with juvenile problems.

The final series of standards in the Administration chapter sets forth the principles which should govern the collection and use of records pertaining to juveniles (Standards 1.51-1.56). Specific standards relating to the compilation, maintenance, accuracy, and disposition of, as well as access to, such records are provided to assure both the preservation of important information and the protection of the youths who are the subject of that information.

In developing these recommendations, the National Advisory Committee recognized that the integration of State and local planning efforts into a coordinated planning process, and the extension of that process to delinquency prevention activities, would take time and dedication to achieve. Conflicts in values and goals will have to be accommodated and/or resolved, and institutional and individual relationships forged. However, the Committee concluded that the creation of a more effective, more rational, and fairer juvenile service system was worth the effort involved.

Major issues related to the administration of juvenile justice include recordkeeping and information systems, planning and monitoring, and research and evaluation. Much like the functional areas of intervention, adjudication and supervision, the issues of administration have important consequences for the effective and efficient operation of the others. Some of the issues suggested by the literature indicate interwoven complexity of the issues in the administration of juvenile justice. For example:

- Should strict confidentiality of juvenile records be preserved in view of the public's right to know about the operation of the juvenile justice system? Would this confidentiality conflict with research, evaluation, planning, and monitoring of programs?
- Does the lack of information compromise the quality of police, courts and corrections operations and perpetrate the isolation, fragmentation, and lack of accountability in the system?
- What are the respective roles of local, State, and Federal governments in the administration of juvenile justice? What is the citizen's role in assuring a fair and consistent process?
- Are the rights and needs of the victims of juvenile crime properly observed by the system?
- To what extent can the juvenile justice system attract and retain qualified personnel? What can be done about staff burnout?
- What is serious and violent juvenile crime? Where and to what extent does it occur in American life? What should be done to address the problem?

These and other issues of administration are the subject of continuing assessment by the National Institute for Juvenile Justice and Delinquency Prevention. Published and unpublished reports from the NIJJDP National Assessment Centers provide a continuing flow of information about recent research, evaluation, and program experiences. The documents listed below are recent publications of the National Assessment Centers.

- 1) Management Issues and the Deinstitutionalization of Juvenile Offenders
- 2) A National Assessment of Serious Juvenile Crime and the Juvenile Justice System: The Need for a Rational Response
- 3) A Preliminary National Assessment of the Numbers and Characteristics of Juveniles Processed Through the Juvenile Justice System
- 4) How Well Does It Work? Review of Criminal Justice Evaluation, 1978: Delinquency Prevention and Control Programs: The Need for a Conceptual Framework and Evaluation Strategies.

FIGURE 1: OUTLINE OF ADMINISTRATION STANDARDS

- 1.1 Roles and Responsibilities
 - 1.11 Local-Level Participation
 - 1.111 Organization of the Local Juvenile Justice System
 - 1.112 Development of a Local Juvenile Service Plan
 - 1.113 Coordination, Development, and Implementation of Local Juvenile Service Programs and Guidelines
 - 1.114 Evaluation and Modification of the Local Juvenile Service System Program Efforts
 - 1.12 State-Level Participation
 - 1.121 Organization of the State Juvenile Service System
 - 1.122 Development of a State Juvenile Service Plan
 - 1.123 Development of State Standards and Guidelines
 - 1.124 Provision of Financial and Technical Resources
 - 1.125 Evaluation of Local and State Efforts
 - 1.126 Office of Youth Advocate
 - 1.13 Federal-Level Participation
 - 1.131 Organization and Coordination of the Federal Juvenile Service System
 - 1.132 Development and Implementation of National Juvenile Justice and Delinquency Prevention Standards
 - 1.133 Distribution of Financial and Technical Resources
 - 1.134 Evaluation of Federal, State and Local Activities
- 1.2 Planning
 - 1.21 Data Base Development and Collection
 - 1.22 Inventory and Analysis of Community Resources
 - 1.23 Problems Identification and Prioritization
 - 1.24 Needs Identification
 - 1.25 Goal Development
 - 1.26 Strategy Development
 - 1.27 Program Coordination
 - 1.28 Program Development
 - 1.29 Program Implementation
- 1.3 Evaluation and Research
 - 1.31 Development of an Evaluation System
 - 1.32 Development of a Research Capability
- 1.4 Personnel
 - 1.41 Personnel Selection
 - 1.42 Training
 - 1.421 Law Enforcement Personnel
 - 1.422 Judicial Personnel
 - 1.423 Prosecutorial Personnel
 - 1.424 Legal Services Personnel
 - 1.425 Personnel Providing Direct Services to Juveniles
 - 1.426 Educational Personnel
 - 1.427 Planning Personnel
 - 1.428 Personnel Providing Support Services in Residential Programs
 - 1.429 Administrative Personnel

(Figure 1, continued)

- 1.5 Records Pertaining to Juveniles
 - 1.51 Security and Privacy of Records
 - 1.52 Collection and Retention of Records
 - 1.53 Confidentiality of Records
 - 1.531 Access to Police Records
 - 1.532 Access to Court Records
 - 1.533 Access to Intake, Detention, Emergency Custody and Dispositional Records
 - 1.534 Access to Child Abuse Records
 - 1.535 Access for the Purpose of Conducting Research, Evaluative, or Statistical Studies
 - 1.54 Completeness of Records
 - 1.55 Accuracy of Records
 - 1.56 Destruction of Records

Intervention

This area concerns intervention into the lives of juveniles and their families by public officials such as police officers, child protective services, welfare school, and other public health, mental health, and social services personnel in response to apparent neglect or abuse, non-criminal misbehavior, delinquent conduct, medical emergencies, and/or family crises. The term "intervention" in this context denotes the moment the public official makes contact with the youth or family. It is not synonymous with referral to the family court or removal of juveniles from their home. Though one result of intervention may be placing a child in custody and referring the matter to family court for adjudication, intervention ordinarily will be more closely linked to the prevention activities described in Chapter 2. Hence, intervention is simply the point of contact precipitated by specifically defined conduct by or involving a juvenile and the actions which immediately follow that contact.

This definition of intervention reflects current practices. Although limited to contacts based on delinquent conduct, a number of studies have shown that most interventions do not result in referral of the matter to the intake unit and family court. For example, of the juveniles actually arrested because of an alleged delinquent act, an average of 30 to 45 percent are either counseled and released or referred to community services. In some police departments the counsel/community referral rate may exceed 70 percent.

While intervention practices affect hundreds of thousands of juveniles and their families each year, there have been comparatively few guideposts to assist law enforcement officers and child welfare, protective services, school, and other public social services personnel in determining whether to take a juvenile into custody. The standards recommended here (1) identify the basic principles on which to base intervention decision, and (2) propose procedures to improve the consistency of those decisions, increase the accountability of the decision-makers, and assure the fairness of the intervention process.

The area is divided into three major sections (Figure 2). The first delineates the circumstances in which intervention is appropriate (Standards 2.11-2.13). While they are keyed to the recommendations regarding the jurisdiction of the family court, the criteria for intervention are necessarily broader since, as is noted above, referral to the intake unit for possible submission to the family court is only one of the alternatives available upon intervention (Standards 3.111-3.113). For example, a police officer or protective services representative may intervene when a child is alone and in need of immediate medical care, even though the harm or threatened harm does not fall within the definition of neglect and abuse set forth in Standard 3.113. However, the standards make clear that, except in medical emergencies, services should not be provided on other than a voluntary basis unless an order has been issued by the family court following

completion of the procedures described in the subsection that discusses adjudication.

The second series of standards focuses on intervention by law enforcement officers (Standards 2.21-2.253). Since police officers are often the first societal agents who must deal with accidents, emergencies, family crises, and criminal conduct the standards set forth explicit guidelines for determining whether to refer matters to the intake unit following intervention (Standards 2.221-2.223), or whether to take a juvenile into custody (Standards 2.231-2.234). While the conduct leading to intervention varies, the types of options available are similar in delinquency, non-criminal misbehavior, and neglect and abuse cases. Hence, the decision-making format is identical, although the specific criteria differ, depending on the nature of the conduct involved (Standards 3.142-3.144, and 3.151-3.154). In addition, the standards in this series define the scope of authority to intervene (Standard 2.21), the rights and procedures which apply following intervention by a law enforcement officer, and the role of specialized juvenile units in law enforcement agencies and juvenile specialists in patrol teams or units.

The standards in the 2.3 series cover the authority of other government agencies--e.g., child protective service agencies and health or welfare departments--to intervene into the lives of juveniles and their families, and the criteria, rights, and procedures which should apply following such interventions. These provisions are parallel to those for law enforcement agencies, but are limited to intervention because of non-criminal misbehavior, neglect or abuse, or the need for immediate medical care.

Together, these standards provide a framework on which systemwide intervention policies and guidelines can be developed and the intervention practices of individual agencies assessed.

Major issues related to police handling of juveniles were presented by the National Institute for Juvenile Justice and Delinquency Prevention as part of its publication, entitled Working Papers of the National Task Force to Develop Standards and Goals for Juvenile Justice and Delinquency Prevention. Among these issues were the following:

- What are the proper roles and responsibilities of the police in juvenile justice and delinquency prevention?
- What is the proper role of the police in the development of juvenile justice and delinquency prevention policy?
- What arrangements should be developed to facilitate cooperation between the police and public and private youth-serving agencies?
- What is the scope of the police authority to detain and arrest juveniles?

- What is the scope of police authority in the protection of juveniles?
- Is the law of arrest equally applicable to juveniles who commit criminal acts?
- Should police discretionary decision-making concerning dispositions of juvenile cases be recognized?
- What guidelines for police intercession are necessary to provide police services to juveniles?
- What legal and procedural requirements are necessary to ensure that the police intercede properly in providing police services to juveniles?
- Should the guidelines used by law enforcement in making decisions regarding juvenile processing be reviewed by court and juvenile intake officials? Should juvenile intake guidelines be reviewed with law officials?
- How should the police plan the administration and management of juvenile justice and delinquency prevention services?

These issues are developed more completely in the volume on Police-Juvenile Operation and have been the subject of continuing assessment by the NIJJDP National Assessment Centers. Numerous published and unpublished documents address the area of police handling of juveniles, including the following:

- 1) Juveniles in Detention Centers and Jails: An Analysis of State Variations during the Mid-1970's,
- 2) A Review of Selected Research and Program Evaluations on Police Diversion Programs,
- 3) Police Handling of Youth Gangs,
- 4) Police Handling of Juveniles,
- 5) A Preliminary National Assessment of Arson and the Juvenile Justice System,
- 6) Children as Victims.

The standards for intervention are presented in the text of the Standards for the Administration of Juvenile Justice and consist of three primary areas: circumstances for intervention, police intervention, and intervention by other governmental agencies. They are outlined here (Figure 2) to provide the readers with an overview of specific policies and practices contained in this functional area.

FIGURE 2: OUTLINE OF INTERVENTION STANDARDS

- 2.1 The Circumstances in which Society Should Intervene
 - 2.11 Intervention for Commission of a Delinquent Act
 - 2.12 Intervention for Noncriminal Misbehavior
 - 2.13 Intervention to Protect Against Harm
- 2.2 Intervention by Law Enforcement Agencies
 - 2.21 Authority to Intervene
 - 2.22 Decision to Refer Intake
 - 2.221 Criteria for Referral to Intake--Delinquency
 - 2.222 Criteria for Referral Intake--Non-criminal Misbehavior
 - 2.223 Criteria for Referral to Intake--Neglect and Abuse
 - 2.23 Decisions to Take a Juvenile Into Custody
 - 2.231 Criteria for Taking a Juvenile Into Custody--Delinquency
 - 2.232 Criteria for Taking a Juvenile Into Custody--Non-criminal Misbehavior
 - 2.233 Criteria for Taking a Juvenile Into Emergency Protective Custody
 - 2.234 Form of Citation, Summons, and Order to Take Into Custody
 - 2.24 Rights and Procedures
 - 2.241 Procedures Following a Decision Not to Refer to Intake
 - 2.242 Procedures Following a Decision to Refer to Intake--Delinquency
 - 2.243 Procedures Following a Decision to Refer to Intake--Non-criminal Misbehavior
 - 2.244 Procedures following a Decision to Refer to Intake--Neglect and Abuse
 - 2.245 Procedures When a Juvenile Is in Need of Immediate Medical Care
 - 2.246 Procedures for Fingerprinting and Photographing Juveniles
 - 2.247 Procedures Applicable to the Interrogation of Juveniles
 - 2.248 Form of Complaint
 - 2.25 Specialization of Law Enforcement Officers
 - 2.251 Police-Juvenile Units
 - 2.252 Specialization Within Patrol Units
- 2.3 Intervention by Other Governmental Agencies
 - 2.31 Authority to Intervene
 - 2.32 Decision to Refer to Intake
 - 2.321 Criteria for Referral to Intake--Noncriminal Misbehavior
 - 2.322 Criteria for Referral to Intake--Neglect and Abuse
 - 2.33 Criteria for Taking Juveniles Into Emergency Protective Custody

(Figure 2, continued)

- 2.34 Rights and Procedures
 - 2.341 Procedures Following a Decision Not to Refer to Intake
 - 2.342 Procedures Following a Referral to Intake
 - 2.343 Procedures upon Taking a Neglected or Abused Juvenile into Emergency Protective Custody
 - 2.344 Procedures When a Juvenile is in Need of Immediate Medical Care

Adjudication

The standards in this area address the jurisdiction and organization of the court having matters relating to juveniles, the rights of the parties in delinquency, non-criminal misbehavior, neglect and abuse proceedings, and the criteria and procedures applicable to intake, detention, and dispositional decisions.

The first series of standards, 3.11-3.118, recommends establishment of a family court with jurisdiction over all matters affecting juveniles and their families other than tort, contractual, and probate questions. Detailed definitions of the family court's jurisdiction over delinquency, neglect and abuse, and non-criminal misbehavior are offered. With regard to non-criminal misbehavior, standard 3.112 urges that the court exercise its authority only when all appropriate non-coercive alternatives have been exhausted. Subsequent standards make clear that if non-criminal misbehavior is proven beyond a reasonable doubt, both the family and the relevant service agencies, as well as the juvenile, should be involved in developing an appropriate disposition and should be subject to the court's dispositional authority. At no time under these standards would placement in a detention or a correctional facility of a juvenile alleged to have committed, or found to have engaged in, non-criminal misbehavior be sanctioned.

As for neglect and abuse, standard 3.113 emphasizes that judicial intervention should occur only when a child's health is impaired or demonstrably threatened, and not when there is merely disagreement with the parent's values, life style, or words. A further explanation of the terms of and reasoning underlying these recommendations is contained in the commentary to these standards. Other issues addressed in the 3.11 series include the scope of Federal delinquency jurisdiction, transfers of cases from the jurisdiction of the family court, and the maximum and minimum ages at which juveniles are subject to the family court's jurisdiction over delinquency and non-criminal misbehavior.

The provisions in the 3.12 series cover the relationship of the family court to other courts, the tenure and qualifications of family court judges, and the employment of referees and court administrators. They urge, inter alia, that the family court should be a decision of the highest court of general jurisdiction, and that ordinarily, an assignment of a judge to the family court be limited to two consecutive two-year terms.

The third series of standards delineate the right to and the role of counsel for the State, the juvenile, and the juvenile's parents in family court proceedings. When adopted, these provisions--together with those in the 3.16, 3.17 and 3.19 series--will provide each party in delinquency and non-criminal misbehavior proceedings with the rights afforded juveniles under In re Gault, 387 U.S. 1 (1967), In re Winship, 397 U.S. 358 (1970), and Breed v. Jones, 421 U.S. 518 (1975), plus those due defendants in criminal proceedings other than the rights to indictment by a grand jury, trial by jury, and money bail.

The same rights apply in neglect and abuse proceedings, except that the level of proof required for a finding of abuse or neglect is clear and convincing evidence rather than proof beyond a reasonable doubt. The fundamental interests at stake in delinquency, non-criminal misbehavior, and neglect and abuse proceedings, warrant the extension of the full state of due process safeguards. These series of standards also suggest the time limits which should apply in family court proceedings, outline the role of guardians ad litem, and urge that a ban be placed on plea bargaining in delinquency, non-criminal misbehavior, and neglect and abuse cases.

Like the standards in the subsection dealing with Intervention, the 3.14 and 3.15 series distinguish between the decision to recommend initiation of formal court proceedings and the decision on whether the juvenile should be detained or held in emergency protective custody. Standards 3.141-3.147 outline the organization of intake units; the qualifications of intake officers; and the procedures, alternatives, and procedures applicable to intake investigations and decisions. Standards 3.151 examine the bases for improving pre-adjudication restraints on a juvenile's liberty and recommend stringent judicial review of all restraints imposed. Placement of juveniles alleged to have committed a delinquent act in secure facilities is limited to a set of closely defined situations. Placement of juveniles alleged to have engaged in non-criminal misbehavior or to have been neglected or abused in detention facilities would be totally prohibited under these standards, as would placement of any juvenile in a facility in which he/she would come into contact with adults alleged or found to have committed a crime (42 U.S.C. 5633(a)(12) and (13) (Supp. 1979)).

The standards on disposition, 3.131-3.1813, set forth the procedures and criteria which the family court should follow in making dispositional decisions and describe the procedures for review, modification, and enforcement of dispositional orders. While the criteria are intended to channel the current open discretion enjoyed by juvenile and family court judges in many jurisdictions, they provide the court with greater authority over the supervisory programs and services to be provided.

The final standards in this subsection discuss the rights to which juveniles should be entitled to in adjudicatory-type proceedings before administrative, correctional, and educational agencies. The standard is intended to assure that basic safeguards are present whenever a juvenile is threatened by a Government agency with the substantial abridgement of a fundamental right, the curtailment of an inertial benefit, or the imposition of sanctions.

It is anticipated that the standards described here, if implemented will provide for greater equity, consistency, and fairness in proceedings affecting juveniles, a more efficient and respected court, and a stronger, more effective system of justice for juveniles, their families, and the public.

Major issues concerned with court adjudication and the disposition function of the juvenile justice system are presented in the NIJJDP Working Papers of the National Task Force to Develop Standards and Goals for Juvenile Justice and Delinquency Prevention. Among these issues are the following:

- At what jurisdictional level should the court handling juvenile matters be located? In a separate court or a division of a general trial court. Should juvenile judges be rotated? What should the minimum qualifications be? How should they be selected?
- At what age should juvenile court jurisdiction be established? What is the appropriate duration of juvenile court jurisdiction? Under what circumstances should a juvenile be transferred either directly or by waiver proceeding to the adult court?
- Should the juvenile court have jurisdiction over status offenses? Traffic offenses?
- What is the role of the juvenile court with respect to dependency, abandonment, abuse and neglect? How should the statutory bases for intervention be defined?
- Are court services an executive function or a proper administrative function of the juvenile court?
- Should the functions of pretrial detention include "preventive detention," or should detention be used only if necessary to assure the juvenile's presence at future court proceedings?
- What is the extent and role of counsel for an accused juvenile offender?
- Who should have the authority to determine, impose, and subsequently modify a disposition?
- Should the principles of proportionality or treatment prevail in a disposition finding?

The issues noted above are the subject of continuing assessment by the NIJJDP National Assessment Centers. Among the published and unpublished reports developed by these Centers are the following documents:

- 1) Restitution in Juvenile Justice: Issues in the Evolution and Application of the Concept,
- 2) A Preliminary National Assessment of the Function and Impact of 24-Hour Juvenile Justice Intake Units,

- 3) Juvenile Justice System Processing and the Disposition of Juveniles with Special Problems,
- 4) A Preliminary National Assessment of the Status Offender and the Juvenile Justice System: Role Conflicts, Constraints, and Information Gaps,
- 5) A National Assessment of Case Disposition and Classification in the Juvenile Justice System: Inconsistent Labeling:

Volume I--Process Description and Summary,
Volume II--Results of a Literature Search,
Volume III--Results of a Survey,
- 6) A Preliminary National Assessment of Child Abuse and Neglect and the Juvenile Justice System: The Shadows of Distress,
- 7) A Proposed Approach for Justice System Processing of Minors Who Are Accused or Convicted of Committing Violent Crimes,
- 8) Changing Perspectives on the Role of the Juvenile Court.

The standards for adjudication are presented in the text of the Standards for the Administration of Juvenile Justice and consist of nine primary areas ranging from jurisdiction and court structure through the adjudicative process to disposition and appeal. They are outlined in Figure 3 for reference to the appropriate standard.

FIGURE 3: OUTLINE OF ADJUDICATION STANDARDS

- 3.1 The Courts
 - 3.11 Jurisdiction
 - 3.111 Jurisdiction Over Delinquency
 - 3.112 Jurisdiction Over Noncriminal Misbehavior
 - 3.113 Jurisdiction Over Neglect and Abuse
 - 3.114 Jurisdiction of the Federal Courts over Delinquency
 - 3.115 Maximum and Minimum Age
 - 3.116 Transfer to Another Court--Delinquency
 - 3.117 Transfer of Jurisdiction--Intra-family Criminal Offense, Contributing to the Delinquency of a Minor
 - 3.118 Venue
 - 3.12 Court Organization
 - 3.121 Relationship to Other Courts
 - 3.122 Tenure of Family Court Judges
 - 3.123 Judicial Qualifications and Selection
 - 3.124 Use of Quasi-Judicial Decision Makers
 - 3.125 Employment of a Court Administrator
 - 3.13 Counsel
 - 3.131 Representation by Counsel--For the State
 - 3.132 Representation by Counsel--For the Juvenile
 - 3.133 Representation by Counsel--For the Parents
 - 3.134 Role of Counsel
 - 3.14 Intake
 - 3.141 Organization of Intake Units
 - 3.142 Review of Complaints
 - 3.143 Criteria for Intake Decisions--Delinquency
 - 3.144 Criteria for Intake Decision--Non-criminal Misbehavior
 - 3.145 Criteria for Intake Decision--Neglect and Abuse
 - 3.146 Intake Investigation
 - 3.147 Notice of Decision
 - 3.15 Detention, Release, and Emergency Custody
 - 3.151 Purpose and Criteria for Detention and Conditioned Release--Delinquency
 - 3.152 Criteria for Detention in Secure Facilities--Delinquency
 - 3.153 Criteria for Detention and Release--Non-criminal Misbehavior
 - 3.154 Criteria and Procedures for Imposition of Protective Measures in Neglect and Abuse Cases
 - 3.155 Initial Review of Detention Decision
 - 3.156 Review of the Conditions of Release
 - 3.157 Initial Review of Emergency Custody Decisions
 - 3.158 Review, Modification, and Appeal of Detention and Emergency Custody Decisions
 - 3.16 Pre-Adjudication Procedures
 - 3.161 Case Processing Time Limits
 - 3.162 Extension and Computation of Case Processing Time Limits

(Figure 3, continued)

- 3.163 Decision to File a Petition
- 3.164 Petition and Summons
- 3.165 Determination of Probable Cause
- 3.166 Arraignment Procedures
- 3.167 Discovery
- 3.168 Motion Practice
- 3.169 Appointment and Role of Guardian Ad Litem
- 3.17 Adjudication Procedures
 - 3.171 Rights of the Parties
 - 3.172 Public and Closed Proceedings
 - 3.173 Finder of Fact
 - 3.174 Burden and Level of Proof
 - 3.175 Plea Negotiations
 - 3.176 Uncontested Adjudications
 - 3.177 Withdrawals of Admissions
- 3.18 Dispositions
 - 3.181 Duration of Disposition and Type of Sanction--
Delinquency
 - 3.182 Criteria for Dispositional Decisions--Delinquency
 - 3.183 Dispositional Alternative and Criteria--Non-criminal
Misbehavior
 - 3.184 Dispositional Alternatives and Criteria--Neglect and
Abuse
 - 3.185 Criteria for Termination of Parental Rights
 - 3.186 Predisposition Investigations
 - 3.187 Predisposition Reports
 - 3.188 Dispositional Hearings
 - 3.189 Review and Modification of Dispositional Decisions
 - 3.1810 Enforcement of Dispositional Orders--Delinquency
 - 3.1811 Enforcement of Dispositional Orders--Non-criminal
Misbehavior
 - 3.1812 Review of Dispositional Orders--Neglect and Abuse
 - 3.1813 Enforcement of Dispositional Orders--Neglect and Abuse
- 3.19 Appellate Procedures
 - 3.191 Right to Appeal
 - 3.192 Right to Counsel and a Record of the Proceedings

3.2 Non-court Adjudicatory Proceedings

Supervision

The 1973 Children in Custody survey found 74,990 juveniles in custody on a single day in detention centers, shelter care facilities, training schools, forestry camps and ranches, group homes, and similar residential facilities throughout the United States. Thousands of other juveniles were placed in foster homes or under some form of probation or community supervision. This area sets forth standards concerning the responsibility for, the nature of, and the procedures that should apply to residential and non-residential programs which supervise juveniles and families subject to the jurisdiction of the family court over delinquency, non-criminal misbehavior, and neglect and abuse. The term supervision was selected to characterize these programs, since no matter what their rationale or emphasis--treatment, punishment, or protection--each has the basic responsibility of supervising the persons placed in it by the family court.

The standards are divided into eight sections. The two standards in the first series, standards 4.11-4.12, recommend that the States should assume the responsibility for providing necessary supervision programs.

The second series, standards 4.21-4.27, defines seven types of residential facilities and describes the size of the staff and services which should be available in each. The standards urge that residential facilities other than camps and ranches be located in or near the communities from which they draw their population, and recommend a low treatment staff-to-youth ratio and access by juveniles placed in residential facilities to a full range of educational, counseling, health, mental health and recreational programs. The increased costs which may result from the implementation of these recommendations can be substantially offset, through the utilization of community rather than in-house services, and through placing fewer juveniles in residential programs and reducing the length of their stay in such programs in accordance with the principle--emphasized throughout these standards--of employing the least restrictive alternative (standards 2.231-2.233, 3.151-3.158, 3.181-3.189, 4.219, and 4.52). The National Advisory Committee concluded that any increased costs which are not so offset should be considered the necessary price of realizing the rehabilitative ideal on which the juvenile justice system is based.

The standards in the 4.3 series cover the organization of non-residential programs to supervise persons subject to the jurisdiction of the family court, the services which should be available to such persons, and the imposition and enforcement of regulations by community supervision officers.

The fourth series of standards lists some of the rights to which juveniles in residential facilities and under community supervision are entitled (standards 4.41-4.411). These include the rights to receive and send mail, to receive visitors, to participate in the religious observances of their choice, to a basic level of treatment and care, and

to be notified of the rules and regulations to which they are subject. The provisions seek to assure as normal an environment as possible for program participants while accommodating necessary safety and administrative concerns.

The remaining series of standards recommend principles and procedures that govern discipline in residential programs (standards 4.51-4.54), the use of restraints (standards 4.61-4.62), and transfers among programs with differing levels of security or to programs provided by other agencies (standards 4.71-4.73), as well as urging that grievance procedures and ombudsmen be available to juveniles in residential programs and subject to community supervision (standards 4.81-4.82, also standard 1.126). It is anticipated that the recommended system of mutual rights and responsibilities will help program participants and staff to work together in an atmosphere of greater trust and respect than has characterized many supervisory programs in the past.

These standards are not expected nor intended to be cast in stone. The National Advisory Committee will continue to review its recommendations in light of their impact in practice, conduct additional research on supervision programs and procedures, and evaluate expert opinion, making modifications whenever necessary. However, the Committee is confident that the standards proposed in this chapter, when implemented, will enhance efforts to encourage law-abiding conduct and to protect the safety and welfare of both juveniles and adults.

Major issues concerning the supervision of juvenile offenders are noted in recent literature, as well as in the NIJJDP Working Papers of the National Task Force to Develop Standards and Goals for Juvenile Justice and Delinquency Prevention. Among these issues are the following:

- What are the rights of juveniles to services? What are the obligations of authorities to provide services?
- Who should have the authority to modify a disposition? What should be the limits on duration of disposition? What is the role of the parole board?
- What is the role of probation in the supervision of juvenile offenders? Should the probation officer operate as caseworker or a broker of services?
- What should the relationship be between the court, corrections, mental health, social services, and the community? Who has responsibility for supervision and treatment programs?
- To what extent do due process protections extend to supervision of juvenile offenders?
- Who should monitor post-dispositional supervision programs?

As was noted under the other functional areas of the juvenile justice system, supervision is the subject of continuing assessment by the

NIJJDP National Assessment Centers. Several of the published and unpublished reports developed by these Centers are listed below:

- 1) Treating the Severely Disturbed Juvenile Offender: A Review of Issues and Programs,
- 2) Vocational and Educational Upgrading Program for Juvenile Offenders,
- 3) Group Homes in the 1980's,
- 4) Wilderness/Adventure Program for Juvenile Offenders,
- 5) Community-Based Program Interventions for the Serious Juvenile Offender: Targeting, Strategies, and Issues,
- 6) Achievement Place: The Teaching Family Treatment Model in a Group Home Setting.

The standards for supervision are presented in the text of the Standards for the Administration of Juvenile Justice and consist of four primary areas: residential programs, non-residential programs, rights and procedures, and discipline and grievance procedures. They are outlined in Figure 4 for reference to the appropriate standard.

FIGURE 4: OUTLINE OF SUPERVISION STANDARDS

- 4.1 Administrative Responsibility
 - 4.11 Role of the State
 - 4.12 Role of the Federal Government
- 4.2 Residential Programs
 - 4.21 Training Schools
 - 4.211 Physical Characteristics and Population
 - 4.2111 Location
 - 4.2112 Size and Design
 - 4.2113 Co-educational Program
 - 4.212 Staff
 - 4.2121 Staff Size
 - 5.2122 Staff Qualifications
 - 4.213 Services
 - 4.214 Development and Implementation of an Individual Program Plan
 - 4.215 Individual and Group Counseling Programs
 - 4.2151 Group Therapy
 - 4.2152 Semi-Autonomous Living Units
 - 4.216 Educational Services
 - 4.2161 Academic Education
 - 4.2162 Vocational Education
 - 4.2163 Special Education
 - 4.217 Health and Mental Health Services
 - 4.2171 Initial Health Examination and Assessment
 - 4.2172 Responsibility Toward Patients
 - 4.2173 Diet
 - 4.2174 Mental Health Services
 - 4.218 Recreational Services
 - 4.219 High Security Juvenile Units
 - 4.2191 Population and Size
 - 4.2192 Staff
 - 4.2193 Services
 - 4.2194 Security
 - 4.22 Camps and Ranches
 - 4.221 Size
 - 4.222 Staff
 - 4.223 Services
 - 4.23 Group Homes
 - 4.231 Size
 - 4.232 Staff
 - 4.233 Services
 - 4.234 Central Services
 - 4.24 Community Correctional Facilities
 - 4.25 Foster Homes
 - 4.251 Staff
 - 4.252 Services

(Figure 4, continued)

- 4.26 Detention Facilities
 - 4.261 Size and Population
 - 4.262 Staff
 - 4.263 Services
- 4.27 Shelter Care Facilities
- 4.3 Non-residential Program
 - 4.31 Community Supervision
 - 4.32 Services
 - 4.33 Imposition and Enforcement of Regulations
- 4.4 Rights and Procedures
 - 4.41 Mail and Censorship
 - 4.42 Dress Codes
 - 4.43 Personal Appearance
 - 4.44 Visitation
 - 4.45 Religious Freedom
 - 4.46 Responsibility for Control and Apprehension of Juveniles
 - 4.47 Notice of Rules
 - 4.48 Searches
 - 4.49 Work Assignments
 - 4.410 Right to Care and Treatment
 - 4.411 Denial of Enumerated Rights
- 4.5 Discipline
 - 4.51 Corporal Punishment and Use of Physical Restraint
 - 4.52 Room Confinement
 - 4.53 Loss of Privileges
 - 4.54 Disciplinary Procedures
- 4.6 Use of Restraints
 - 4.61 Mechanical Restraints
 - 4.62 Medical Restraints
- 4.7 Transfer Procedures
 - 4.71 Transfers from Less Secure to More Secure Facilities
 - 4.72 Transfers from More Secure to Less Secure Facilities
 - 4.73 Transfers Among Agencies
- 4.8 Grievance Procedures and Ombudsman Programs
 - 4.81 Grievance Procedures
 - 4.82 Ombudsman Programs

CHAPTER 4

TECHNICAL ASSISTANCE STRATEGY TO IMPROVE THE ADMINISTRATION OF JUVENILE JUSTICE

INTRODUCTION

The Office of Juvenile Justice and Delinquency Prevention has long supported initiatives designed to improve the functioning of the juvenile justice system. As Chapter 3 indicates, the standards developed by the National Advisory Commission, IJA/ABA, and others constitute a significant effort to help law enforcement, courts, corrections departments and others to conduct their disciplines professionally increase the effectiveness and efficiency with which the system operates, and be better prepared to respond to juvenile crime. The Formula Grants and Technical Assistance Division (FGTAD) likewise has supported initiatives designed to upgrade and improve the system of justice for children in America. The successful implementation of FGTAD initiatives through technical assistance rests on their ability to employ individuals who are knowledgeable of traditional responses to juvenile crime, who can act within guidelines prescribed by the Office, and who are most proficient in effecting change through the modes of documentation, on-site consultation, training, and other technical assistance activities. Below we discuss effective technical assistance within this goal area.

ESTABLISHING A CLIMATE FOR CHANGE

Technical assistance is a very special type of intervention into a local justice system. Technical assistance funded from an outside source, in this case the Office of Juvenile Justice and Delinquency Prevention, must rely on the interest and commitment of the recipient to be a successful venture. Without the proper climate for change, the time of the recipient as well as the resources of FGTAD may be wasted.

Technical assistance directed at improving the juvenile justice system must be built on both the provider and recipient having solid knowledge of the local system. This knowledge must include good information on the formal mandates, policies, and procedures as implemented by individual agencies in the juvenile justice system. It should also include a thorough appreciation of the informal structures, relationships, personalities, and political imperatives and values which guide the way in which youths are processed by that system. It is this combination of understanding both formal and informal structures which

constitutes the essential backdrop to successful efforts of technical assistance.

The knowledge base can be acquired through a number of avenues. First, a good recipient is one in which self-assessment, internal management audits, and program evaluations are built into the management structure of the organization. This is not often the case, and the technical assistance provider must often ferret out necessary background information through interviews and reviews of archival data that are gathered in the community. In conducting this preliminary needs assessment, it is important to interview as broad a spectrum of system participants as possible--often including both youths and their families--to see how the justice agencies actually function. Once these data have been gathered, it is the responsibility of the effective technical assistance provider to interpret the findings in a way which furthers the successful provision of technical assistance.

A second prerequisite for effecting change through technical assistance consistent with this goal area is the ability to translate the knowledge base into a firm understanding of the impact of the system on the bond between a youth and the conventions of society--his commitment and attachment to and his involvement in that society. It is this requisite which ensures that the technical assistance provided is consistent with FGTAD policy and the organizational change emphasis adopted by the Division. What this means is that improving the juvenile justice system cannot be geared solely to upgrading the efficiency of agencies and programs or reducing the incidence of crime. FGTAD technical assistance in this goal area must go beyond these objectives to attempt long-term change in the way institutions handle youths and enhance the bond that is thereby created between a child and society.

A positive climate for change exists when two equally important factors are present:

- 1) The technical assistance recipient and provider must have identified that portion of the juvenile justice system that is most in need of help. (In so doing, the technical assistance is targetted on those programs, areas, or functions which are the most critical in terms of their influence on young people.)
- 2) The area targetted for technical assistance is one that is amenable to improvement, and this factor must co-exist with the first.

We can say that areas of the system are amenable to change if the following conditions exist:

- Political and administrative commitment to change,
- Financial resources,
- A legal basis that will allow for change,

- No major competing claims to attention in the justice system and human service areas.

The effect of these factors is that many potential technical assistance efforts might be eliminated. For example, if a judge is eager for a management audit of his court, but it is clear that he lacks the political support to actually make any significant changes, then technical assistance ought not to be provided. Or likewise, if a corrections supervisor feels the need for new guidelines for processing incarcerated youths, but it cannot be shown that there are any serious problems with current practices, then technical assistance resources should be focused elsewhere.

The final, and perhaps most critical, factor contributing to a positive climate for change is the presence of knowledgeable, tenacious, and energetic leaders or recipients in the community who will see the technical assistance effort through from its inception to final implementation. The kinds of systems improvements that FGTAD is committed to are serious, deep-seated, and long-lasting. But, it recognizes that the justice system can be remarkably resilient to change. Practices that have existed for years or decades are difficult to alter in a period of months. However, this need not be the case so long as there is someone with the commitment and resources for change.

Several elements are critical to creating a situation and climate in which technical assistance can be most effective. They include: knowledge of system, an understanding of how this goal area must be implemented in terms of bonding a youth to the conventions of society, the presence of a problem that both needs solving and is amenable to being solved, and the presence of individuals with the wherewithal to effect change. Because past experience has shown that where these factors are present, technical assistance is most successful, the FGTAD will look for these conditions in assessing a technical assistance effort for its support.

CRITERIA FOR APPROVING REQUESTS FOR TECHNICAL ASSISTANCE

FGTAD will attempt to translate the theory and precepts embodied in the NAC standards into practice through technical assistance. In so doing, the Division will respond to requests which meet the following criteria; that is, the technical assistance must

- Represent an effort which focuses on activities that promote consistency, proportionality of sanction to offense and swift justice in the processing of juvenile cases;
- Be geared to helping the components focus their limited resources on chronic, serious, and violent juvenile offenders;

- Promote system efficiency and effectiveness through improved planning and coordination of all components of the system;
- Address juvenile justice systems of substantial size and complexity in which a national contractor is more appropriate than an in-State resource; and
- Be in concert with the recommendations adopted by the National Advisory Committee and be reflected in its standards.

APPLICATION OF CRITERIA

The application of these criteria is discussed below:

- 1) **The technical assistance represents an effort which focuses on activities that promote consistency, proportionality of sanctions to offense, and swift justice in the processing of juvenile cases.**

Nothing can be more destructive to a child's view of society and its law than to experience misprision of justice by public officials. Failure on the juvenile justice system's part to practice that which it preaches leads, at best, to cynicism, and, at worst, to a disavowal of the purpose and function of that system. Thus, it is perhaps even more important in the juvenile than the adult justice system that the procedures followed are perceived as eminently fair and equitable, that fairness exists when decisions are rendered consistently from child to child, regardless of age, sex, race, or economic status.

Similarly, fairness exists when the sanction for wrong-doing is proportional to the crime committed. Long-term incarceration of a youth in an institution for a minor infraction, while his more violent friend receives a lesser disposition is the kind of outcome that calls into question the basic fairness of the system. Likewise, justice that is swiftly administered and not delayed for great periods of time is more likely to be perceived as fair and equitable. Given the importance of consistency, proportionality, and swiftness to the bonding of a child to society's institutions, FGTAD will evaluate technical assistance requests and focus its resources on those which are consonant with this criterion.

- 2) **The technical assistance requested is geared to helping the components of the juvenile justice system focus their limited resources on chronic, serious, and violent juvenile offenders.**

The role and function of the juvenile justice system are coming under greater scrutiny now than they have in years. There are some who question its very existence, feeling that status and non-offenders should have no involvement whatsoever with law enforcement, the courts, and correctional facilities; and that serious offenders ought to be treated as adults with all the rights and obligations which that treatment confers.

FGTAD has adopted a middle ground which posits that there is a role for a juvenile justice system, but that its resources should be targetted to those youths who are chronic, serious, and violent offenders, and who are most amenable to help through its agencies. This function of the juvenile justice system cannot be realized so long as judges and others deplete their energies on status and non-offenders and youths who should more appropriately be helped by other community agencies. Thus, technical assistance sponsors will evaluate requests to ensure that FGTAD helps the system to be more efficient and effective in handling those youths who rightly should be within its purview.

- 3) **The technical assistance promotes system efficiency and effectiveness through improved planning and coordination of all elements of the system.**

A single instance of technical assistance carries great weight if it helps the myriad agencies to collaborate more effectively. If technical assistance can enhance the ability of juvenile justice practitioners to pool their resources and serve more children with greater efficiency, then it is worthy of FGTAD support. This monograph presents a planning model which contains all the elements which, if implemented, would lay the groundwork for more effective services and better interaction among all providers. Whether or not this particular planning model, or some other, is actually adopted, FGTAD will determine if technical assistance can be helpful in supporting interagency cooperation and will support those efforts which take the larger, systems's view over those which target on discrete agencies.

- 4) **The technical assistance addresses juvenile justice systems of substantial size and complexity in which a national contractor is more appropriate than an in-State resource.**

The technical assistance program implemented by FGTAD is called for in Section 204(b)(6) of the Juvenile Justice and Delinquency Prevention Act. In directing the Administration to aid States in implementing this legislation, Congress was viewing technical assistance as an important tool in leveraging or supplementing local efforts. Technical assistance was never intended as a substitute for local initiative. Thus, States

and communities have always been encouraged to undertake their own programs of training, on-site consultation, documentation, and other forms of assistance. The presence of a national contractor is only appropriate when state and local resources do not exist or are not adequate to the task.

By the same token, FGTAD technical assistance in this goal area should be focused on sufficiently large and complex juvenile justice systems that present problems that affect a large number of youths and/or juvenile justice agencies. The decision to limit technical assistance to these types of recipients stems from a need to get the greatest impact for the dollars spent. This is not to say that small communities need not apply for help, but only that these requests must be evaluated in terms of their potential impact relative to other requests for help.

- 5) **The technical assistance delivered must be in concert with the recommendations of the NAC and reflected in its standards.**

FGTAD is committed to improving the juvenile justice system in a way which reflects our best judgment and wisdom as to how to handle children. It is our belief in structuring this monograph around the NAC standards that implementation of, or adherence to, the standards is an important step in that direction. Thus, in evaluating technical assistance requests, FGTAD will explore the relevant NAC standards and ensure that they are factored into acceptance of a technical assistance request and into the actual delivery of assistance.

KINDS OF TECHNICAL ASSISTANCE THAT WILL BE APPROVED

In establishing these criteria for the evaluation of technical assistance requests, FGTAD has also decided upon those functional areas on which it will target its technical assistance resources. The areas identified relate strictly to technical assistance requests falling under the "improvement of system" goal area. Different categories have been selected in other goal areas. The areas parallel the topics presented in Chapter 3 follow:

- Administration: Technical assistance will be approved which addresses managerial and administrative problems of the juvenile justice system. The kinds of activities included under this category are: planning, budgeting, service coordination, management audits, and the establishment of monitoring and evaluation systems.
- Intervention: As Chapter 3 indicates, there are many ways in which intervention into a child's life takes place. The focus

of FGTAD in this area will be on law enforcement and strict juvenile justice interventions. Interventions through child welfare agencies, public health organizations, and schools will not be targetted for technical assistance under this goal area.

- Adjudication: In evaluating court functions, technical assistance priority will be given to those activities which focus on the processing of chronic, serious, and violent juvenile offenders. By the same token, it will not be a priority for technical assistance to support to the court's active role in handling status and non-offenders. However, technical assistance might be appropriate to help transfer a court's concern for these cases to more appropriate agencies. In its efforts with courts, FGTAD will support activities which focus on guaranteeing or protecting the rights of children in the justice system. Finally, technical assistance will focus on those agents or agencies, such as detention centers, or programs of short-term emergency care, which in any way restrain a juvenile's liberty.
- Supervision: Technical assistance under this goal area will focus on traditional supervision or correctional programs, such as probation, institutional care, and after-care programs.

These four areas are presented as convenient categories only. In reality, much of the functioning of the traditional justice system can be seen instead as a complex of policies, procedures, and operations which are not confined to single agencies, but are cross-cutting. An intake policy on detention, for example, affects law enforcement, the intake staff, the staff of the detention center, and all those involved in detention hearings. Dispositional policies of a judge, similarly, have impacts that extend far beyond his activities in the courtroom. Indeed, many problems which the justice system faces exist because of the overlapping functions and responsibilities. Certainly, technical assistance efforts which recognize the cross-cutting nature of issues in the juvenile justice system will be favorably reviewed. The intent of this categorization was to highlight those aspects of the traditional system that FGTAD considers under the purview of technical assistance work in this goal area.

MODES OF TECHNICAL ASSISTANCE

Technical assistance in each of the three goal areas will be provided through one of four modes: correspondence and documentation, support for national organizations, support for State personnel, and direct technical assistance for program tests. By limiting technical assistance activities to these four approaches, FGTAD is helping to distinguish its activities from other research and funding initiatives.

of OJJDP. These needs also are useful to a potential recipient who may be considering applying to OJJDP for assistance.

Technical assistance through correspondence and documentation is one of the most cost-effective vehicles for helping communities solve problems in their local juvenile justice system. Our contractors in this goal area have produced a number of documents directed at improving the system. They have also developed considerable libraries from which to draw materials to be of use to technical recipients. Some examples of documents produced in this goal area are:

- Serious and Violent Juvenile Offender,
- Jail Removal Cost Study,
- Residential Environments for the Juvenile Justice System,
- Program Monitoring,
- Comparative Analysis of Juvenile Codes,
- Assessment of Juvenile Court Operations,
- Assessment Protocol,
- Detention Operations Manual,
- Shelter Care Operations Manual,
- Intake,
- Public Education Materials Catalogue,
- Assessment of the Incidence of Juvenile Suicide in Juvenile Detention Centers, County Jails, and Municipal Lockups,
- Program for Young Women in Trouble,
- Police Operations Handbook,
- Evaluation Issues,
- Juvenile Police Training Curriculum,
- Removing Children from Adult Jails and Lockups: A Guide to Action,
- Juvenile Detention Training Curriculum,
- Legislative Monitoring: Case Studies from the National Legislative Internship Program,

- Institutional Grievance Procedures Manual,
- Prohibiting Secure Juvenile Detention: Assessing the Effectiveness of National Standards Detention Criteria,
- Program Models to Reduce Inappropriate Juvenile Detention.

By identifying national organizations as recipients of FGTAD-supported technical assistance, the OJJDP is recognizing the broad scope of its mandates and the strength represented by their memberships. Assistance to organizations like the National Association of State Juvenile Justice Administrators, the National Council of Juvenile and Family Court Judges, and the International Juvenile Officers Association, if shared with their memberships, can produce significant results beyond the single instance of effort.

Examples of this type of assistance are illustrated in the cooperative liaison with the National Coalition for Jail Reform, the National Institute of Corrections, the Federal Law Enforcement Training Academy, and the National Boys Clubs of America. For example:

- The membership of the National Coalition for Jail Reform includes more than 30 national organizations involved with issues concerning the management and operation of county jails and municipal lockups, including the National Sheriffs Association, American Bar Association, National Association of Counties, and the National Council of Juvenile and Family Court Judges. FGTAD technical assistance involved documentation and development of background information materials. Joint sponsorship of a symposium, entitled National Symposium on Children in Adult Jails, provided the foundation for development of jail removal plans in 12 States.
- Technical assistance to the Federal Law Enforcement Training Academy and the National Institute of Corrections (NIC) Jail Center involves curriculum development for training of juvenile police and corrections officials nationwide. More than 500 State and local police officials will be trained through the FLETA program alone in 1983. Assistance to NIC will also involve the development of a juvenile suicide prevention package to deal with the alarming incidence of suicide in our nation's jails.
- A continuing technical assistance relationship with the Boys Clubs of America was translated into a nationwide public awareness program on inappropriate detention of juveniles, with more than 1,000 clubs involved. More specific three-day consultations are underway with 12 selected Boys Clubs involving the boards, volunteers and membership.

Similarly, it is hoped that there will be a trickle-down effect with technical assistance that is provided to State personnel. By working to

strengthen State capabilities of such agencies as Divisions of Youth Services, Administrative Offices of the Courts, and Department of Corrections, the Divisions expect the benefits to be shared and in-State capacity to be expanded.

Technical assistance involves both the process and substance of improving the administration of juvenile justice. Several examples are noted below:

- Architectural and program assistance is provided to the New Hampshire Youth Development Center to reorganize its delivery of services to juvenile offenders.
- Consultation with the Massachusetts Division of Youth Services solidifies proposed legislation concerning the problem of serious and violent juveniles offenders.
- Planning assistance in Michigan, Oklahoma, and New Mexico aids in the development of Statewide plans for the removal of juveniles in adult jails and lockups. Similar assistance in North Carolina and Louisiana responds to specific statutory mandates in those States. In Oregon, FGTAD technical assistance involves planning in response to the requirements of a Federal court decision.
- Public education strategies and materials are developed in conjunction with a Statewide media campaign in South Carolina.
- Grievance procedures are developed and implemented in the youth correctional institutions of Wisconsin. A comprehensive technical assistance package documents the process for use by other States participating in the Act.
- Consultation in Maine assists the State Juvenile Justice Advisory Committee in the monitoring of a controversial juvenile code and in their effort to document juvenile crime and detention Statewide.

Finally, the Division hopes to contribute its experience to expanding the state-of-the-art of juvenile justice programming. It will do this by supporting technical assistance which is rigorously designed to test basic assumptions and operating premises of juvenile justice programs. By participating in these kinds of activities and thoroughly documenting the findings, we hope to develop a knowledge base from which all practitioners can benefit.

Examples include:

- Development of a comprehensive shelter care manual for three Tribal Councils in Arizona, with special attention on alcohol and drug abuse, will provide a model for use in other areas.

- Assessment of detention policies and practices in Indianapolis will establish a basis for improved intake practices, as well as programming and design at the Marion County Juvenile Detention Center. Examination of rearrest and failure to appear rates under various release/detention criteria will guide improvements to assure protection of public safety and the court process.
- Technical assistance to the Los Angeles Probation Department will test the basic assumptions and operational premises of traditional case management techniques and provide new insights for improvement of court supervision of juvenile offenders.
- Technical assistance in planning, programming, and assessment of 17 local efforts to remove juveniles from adult jails will examine the validity of many untested assumptions regarding jail removal. Examination of issues such as public safety, net widening, transfer to adult courts, need for secure detention space, resources in areas of low population density, and cost will shed light on a major requirement of the Act.

BIBLIOGRAPHY

- Akers, R. L. Deviant Behavior: A Social Learning Approach. Belmont, CA: Wadsworth Publishing Company, Inc., 1977.
- Barber, C. "Mastery Learning Through Staff Development." A paper presented at the American Educational Research Association Annual Meeting, Los Angeles, April, 1981.
- Behavioral Reserch and Evaluation Corporation. National Evaluation of Youth Service Systems, FY 74. Final report, prepared for the Office of Youth Development, Department of Health, Education, and Welfare. Boulder, CO: Behavioral Research and Evaluation Corporation, 1974.
- Berman, P., and McLaughlin, M.W. Federal Programs Supporting Educational Change: Implementing and Sustaining Innovation. Vol. II. Prepared for the U.S. Office of Education, DHEW. Santa Monica, CA: Rand Corporation, 1978.
- Block, J.H., and Anderson, L.W. Mastery Learning in Classroom Instruction. New York: Macmillan Publishing Company, 1975.
- Block, J. Schools, Society, and Mastery Learning. New York: Holt, Rinehart, and Winston, 1974.
- Block, J.H. Ed. Mastery Learning: Theory and Practice. New York: Holt, Rinehart, and Winston, 1971.
- Blomberg, T.G. "Diversion and Accelerated Social Control", Journal of Criminal Law and Criminology, vol. 68, 1977.
- Blomberg, T.G. "Widening the Net: An Anomaly in the Evaluation of Diversion Programs", in the Handbook of Criminal Justice Evaluation, M.W. Klein and K.S. Teilmann, Eds., Beverly Hills: Sage, 1980.
- Bloom, B. All Our Children Learning: A Primer for Parents, Teachers and Other Educators. New York: McGraw-Hill Book Company, 1981.
- Bloom, B.S. Human Characteristics and School Learning. New York: McGraw-Hill Book Company, 1976.
- Breed v. Jones, 421 U.S. 518 (1975).
- Cloward, R.A. and Ohlin, L.E. Delinquency and Opportunity: A Theory of Delinquent Gangs. Glencoe, IL: The Free Press, 1960.
- Council of Voluntary Child Care Agencies. Services to PINS and Adolescents: The Voluntary Agencies Perspective, 1973.

- Cummings, C. with Nelson, C. and Shaw, D. Teaching Makes a Difference. Snohomish, WA: Snohomish Publishing Company, 1981.
- Dixon, M. and Wright, W.C. Juvenile Delinquency Prevention Programs. Nashville: Peabody College for Teachers, 1975.
- Dunford, F.W., Osgood, D.W., and Weichselbaum, H.F. National Evaluation of Diversion Projects. Submitted to National Institute for Juvenile Justice and Delinquency Prevention, Office of Juvenile Justice and Delinquency Prevention, U.S. Department of Justice, 1981.
- Dunivant, N. "The Relationship between Learning Disabilities and Juvenile Delinquency: Summary and Implications of Research Findings." A report for the National Institute of Juvenile Justice and Delinquency Prevention, Office of Juvenile Justice and Delinquency Prevention, U.S. Department of Justice. Williamsburg, VA: National Center for State Courts, 1981.
- Edmonds, R. "What Do We Know about Teaching and Learning in Urban Schools: A Discussion of the Literature and Issues Related to Effective Schooling." Vol. 6. A paper prepared for the National Conference on Urban Education, St. Louis, Missouri. St. Louis, MO: CEMREL, Inc., 1978.
- Elliott, D.S., Ageton, S.S., and Canter, R.J. "An Integrated Theoretical Perspective on Delinquent Behavior." Journal of Research in Crime and Delinquency. (January):3-27, 1979.
- Elliott, D.S. and Blanchard, F. "The Long and Short Term Impact of Diversion Programs." Boulder, CO: The Behavioral Research and Evaluation Corporation and the University of Colorado, 1976.
- Elliott, D.S., Knowles, B.A., and Canter, R.J. The Epidemiology of Delinquent Behavior and Drug Use among American Adolescents. The National Youth Survey Report No. 14. Boulder, CO: Behavioral Research Institute, 1981.
- Elliott, D.S. and Voss, H. Delinquency and Dropout. Lexington, MA: D.C. Heath and Company, 1974.
- Empey, L.T. Ed. The Future of Childhood and Juvenile Justice. Charlottesville: University Press of Virginia, 1979.
- Empey, L.T. American Delinquency: Its Meaning and Construction. Homewood, IL: The Dorsey Press, 1978.
- Flicker, B.D. Standards for Juvenile Justice: A Summary and Analysis, Institute of Judicial Administration-American Bar Association Juvenile Justice Standards Project. Cambridge, MA: Ballinger Publishing Company, 1977.

- Fox, S. "Juvenile Justice Reform: An Historical Perspective." 22 Stanford Law Review 1187, 1970.
- Friedlander, W. Introducing Social Welfare. Third edition, 1968.
- Fullan, M and Pomfret, A. "Research on Curriculum and Instruction Implementation." Review of Educational Research. 47(1):335-397, 1977.
- Good, T.L. and Brophy, J.E. Looking in Classrooms. New York: Harper and Row, Inc., 1978.
- Greenberger, E and Steinberg, L.D. "Part-time Employment of In-School Youth: A Preliminary Assessment of Costs and Benefits." In A Review of Youth Employment Problems, Programs, and Policies. Vol. 1:13. Washington, D.C.: The Vice-President's Task Force on Youth Employment, Employment and Training Administration, U.S. Department of Labor, 1980.
- Hawkins, J.D. and Lishner, D. "Youth Employment and Delinquency Prevention." A report for the National Institute for Juvenile Justice and Delinquency Prevention, Office of Juvenile Justice and Delinquency Prevention, U.S. Department of Justice. Seattle, WA: Center for Law and Justice, University of Washington.
- Hawkins, J.D. and Weis, J.G. "The Social Development Model: An Integrated Approach to Delinquency Prevention." Seattle, WA: Center for Law and Justice, University of Washington, 1980.
- Hirschi, T. Causes of Delinquency. Berkeley: University of California Press, 1969.
- Hunter, M. Teach for Transfer: A Programmed Book. California: TIP Publications, 1971.
- Hunter, M. Teach More Faster! A Programmed Book. California: TIP Publications, 1969.
- Hunter, M. Motivation Theory for Teachers: A Programmed Book. California: TIP Publications, 1967.
- Hunter, M. Reinforcement Theory for Teachers: A Programmed Book. California: TIP Publications, 1967.
- Hunter, M. Retention Theory for Teachers: A Programmed Book. California: TIP Publications, 1967.
- In re Gault, 287 U.S.1 (1967).
- In re Winship, 297 U.S. 358 (1970).
- Johnson, D.W. and Johnson, R.T. Learning Together and Alone. Englewood Cliffs, NJ: Prentice-Hall, 1975.

Joyce, B. and Weil, M. Models of Teaching. Second edition. Englewood Cliffs, NJ: Prentice-Hall, Inc., 1980.

Juvenile Justice and Delinquency Prevention Act, 18 U.S.C. 5031 et seq.

Keilitz, I., Saks, M.J. and Broder, P. "The Evaluation of Learning Disabilities: Juvenile Delinquency Remediation Program Evaluation Design and Interim Results". Williamsburg, VA: National Center for State Courts, 1979.

Kent v. United States, 383 U.S. 541 (1966).

Klein, M. and Teilmann, K. Pivotal Ingredients of Police Juvenile Diversion Programs. 9 (LEAA, 1976).

Lipton, D. Martinson, R., and Wilks, J. The Effectiveness of Correctional Treatment. New York: Praeger, 1975.

Little, J.W. School Success and Staff Development: The Role of Staff Development in Urban Desegregated Schools. A report for the National Institute of Education. Boulder, CO: Center for Action Research, 1981.

Martarella v. Kelley, 349 F.Supp. 575, (S.D.N.Y. 1972).

McKeiver v. Pennsylvania, 403 U.S. 528 (1971).

Morales v. Turman, 535 F.2d 864 (5th Circuit, 1976).

Murray, C.A. The Link between Learning Disabilities and Delinquency: Current Theory and Knowledge. Prepared for the National Institute of Juvenile Justice and Delinquency Prevention, Office of Juvenile Justice and Delinquency Prevention, U.S. Department of Justice. Washington, D.C.: U.S. Government Printing Office, 1976.

National Commission on Resources for Youth. New Roles for Youth in the School and the Community. New York: Citation Press, 1974.

National Institute for Juvenile Justice and Delinquency Prevention. Comparative Analysis of Standards and State Practices. Prepared for the Office of Juvenile Justice and Delinquency Prevention, Washington, D.C., 1976.

National Institute for Juvenile Justice and Delinquency Prevention. Standards for the Administration of Juvenile Justice. Prepared for the Office of Juvenile Justice and Delinquency Prevention, Washington, D.C., 1980.

Office of Juvenile Justice and Delinquency Prevention. "Program Announcement: Diversion of Youth from the Juvenile Justice System." Law Enforcement Assistance Administration, United States Department of Justice, 1976.

- Office of Juvenile Justice and Delinquency Prevention. "Advance Report on the 1977 Census of Private Facilities", 2, 1979.
- Office of Juvenile Justice and Delinquency Prevention. "Advance Report on the 1977 Census of Juvenile Public Facilities", 9, 1979.
- Pearl, A. The Atrocity of Education. New York: E.P. Dutton and Company, 1972.
- Platt, A.M. The Child Savers: The Invention of Delinquency. Second edition, 1972.
- President's Commission on Law Enforcement and the Administration of Justice. Task Force Report: Juvenile Delinquency and Youth Crime, 18, 1967.
- Romig, D.A. Justice for Our Children: An Examination of Juvenile Delinquent Rehabilitation Programs. Lexington, MA: D.C. Heath and Company, 1978.
- Rosenbaum, J.E. "Social Implications of Educational Grouping." American Research in Education. 8:361-401.
- Rutherford, A. and McDermott, R. National Evaluation Program Phase I Summary Report: Juvenile Diversion. National Institute of Law Enforcement and Criminal Justice, Law Enforcement Assistance Administration, United States Department of Justice. Washington, D.C.: United States Government Printing Office, 1976.
- Rutter, M., Maughan, B., Mortimore, P., Ouston, J. with A. Smith. Fifteen Thousand Hours: Secondary Schools and their Effects on Children. Cambridge: Harvard University Press, 1979.
- Schlesinger, S.E. "The Prediction of Dangerousness in Juveniles: A Replication." In Crime and Delinquency. January:40-48, 1978.
- Schultz, L. "The Cycle of Juvenile Court History." 19 Crime and Delinquency 457, 1973.
- Slavin, R.E. "Cooperative Learning." Review of Educational Research. 50(2):315-342, 1980.
- Slavin, R.E. "Effects of Biracial Learning Teams on Cross-Racial Friendships." Journal of Educational Psychology. 71(3):381-387, 1979.
- Slavin, R.E. "Effects of Individual Learning Expectations on Student Achievement." Journal of Educational Psychology. 72(4): 520-524, 1980.
- Slavin, R.E. "Integrating the Desegregated Classroom: Actions Speak Louder than Words." Educational Leadership. 36(5):322-324, 1979.

Slavin, R.E., "A Policy Choice: Cooperative or Competitive Learning." Character 2 January:1-6, 1981.

Toby, J. "Social Disorganization and Stake in Conformity." Journal of Criminal Law, Criminology, and Police Science. 48(May/June):12-17, 1957.

Webster, W. Crime in the United States: 1978. 228, 1979.

Weis, J.G. "Comparative Analysis of Social Control Theories of Delinquency." Preventing Delinquency: A Comparative Analysis of Delinquency Prevention Theory. Volume I of IX. National Institute for Juvenile Justice and Delinquency Prevention, Office of Juvenile Justice and Delinquency Prevention, U.S. Department of Justice, 1974.

Weis, J.G. and Sederstrom, J. "The Prevention of Serious Delinquency: What To Do?" A report for the National Institute of Juvenile Justice and Delinquency Prevention, Office of Juvenile Justice and Delinquency Prevention, U.S. Department of Justice. Seattle, WA: Center for Law and Justice, University of Washington, 1981.