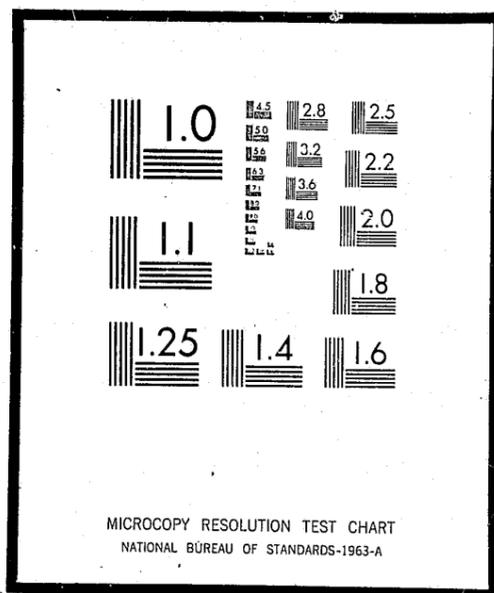


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LAW ENFORCEMENT ASSISTANCE ADMINISTRATION
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ADULT AND JUVENILE JUSTICE

1. Brief History: Juvenile Courts
2. Glossary and Abbreviations
3. Bibliography
4. Questionnaire for Local Leagues

17958

BRIEF HISTORY: JUVENILE COURTS

Phase I

In "merrie England" children were hanged for stealing as little as a ham. A criminal was a criminal and equal crimes warranted equal punishment. Rehabilitation had not yet been born.

But, following the Industrial Revolution in both England and the United States, various factors converged to produce both a protective attitude toward children and a recognition that by virtue of home "training", or lack thereof, children might be considered less responsible than adults for their actions. Thus, the concept of juvenile delinquency appeared, and along with it the equally revolutionary concept that society was legally responsible for its children.

As early as 1857, Ohio established "houses of refuge" for "infants" who by reason of "vicious conduct" required supervision in such houses. In 1869 the Ohio Supreme Court stated that commitment to "houses of refuge" is not designed as punishment, but to place minors of the description . . . for proper care and discipline . . . until reformed . . . The institution to which they are committed is a school, not a prison."

This concern for the juvenile offender was nationwide and in 1899, Cook County, Illinois, enacted the first juvenile court law, removing the juvenile offender from the adult criminal-justice system. Ohio followed suit in 1902 when the Legislature designated the court of insolvency of Cleveland as having initial jurisdiction over children under 16 years of age. By 1912, twenty-two states had juvenile courts. In 1923 the National Probation Association Annual Conference wrote a Standard Juvenile Court Act for submission to the states for adoption. By 1927, all states but Maine and Wyoming had juvenile court acts. Wyoming was last to enact its juvenile court law in 1945. Inherent in these acts was the concept that the causes of delinquent acts were definable and treatable through the new methods of psychology, and that society was responsible for providing treatment resources; also, that the juvenile offender was NOT a criminal and that the court's responsibility was to save those of "tender years" from "prosecution, conviction . . . and stigma."

The new court system covered dependency, neglect and delinquency cases and all procedures were defined as CIVIL rather than criminal. Thus hearings were informal and private ("Tell me all about it, son") rather than adversary (where guilt must be established through examination and cross-examination of witnesses -- a legal procedure best accomplished by lawyers); "summons" were issued rather than warrants; "initial hearings" were held rather than arraignments; "findings of involvement" were issued rather than convictions; "disposition" was rendered rather than sentence. Juries were prohibited since the "hearing" was not a trial. The judge's decision was based on "preponderance of evidence" (as in civil cases). Children were not charged with specific crimes but were declared dependent, neglected, or delinquent. The court was not subject to supervision or influence of other courts, although avenues of appeal were often provided. The basic rationale of the juvenile court was a guardian relationship. Roscoe Pound called it one of the greatest social inventions of the 19th Century.

End of Phase I

Phase II

Time rolled on and each state continued to revise its Juvenile Code to further refine the concept of juvenile justice. Ohio's code, originally written in 1857, was revised extensively in 1937 and again in 1969 (to incorporate the category of the "unruly" child). The basic structure and procedures of the juvenile court remained non-criminal in nature. But, while many state codes defined what might NOT be done to a juvenile offender, many failed to define what MUST be done for the child -- what basic rights the court must provide. It was expected the benevolent judge and compassionate workers would automatically provide and protect the child's rights.

But in 1966, Kent vs. United States was argued in the United States Supreme Court, and it appeared the child's rights were NOT always protected. Thus Phase II began. This case raised the issue that a juvenile can receive less protection than an adult. Kent, 16 years old and on probation since age 14, was arrested for housebreaking and rape. The District of Columbia juvenile judge, on the basis of Kent's past record, waived juvenile jurisdiction and transferred him to the D.C. District Court for trial as an adult. Kent's counsel requested a hearing on the waiver but was denied. Counsel also requested access to Kent's Social Service records -- the record which constituted Kent's "past", and on which the waiver of jurisdiction was based. Request was denied. Statement of waiver contained no specific facts or reasons, but stated only that "after full investigation, I do hereby waive" etc. Kent was tried as an adult, receiving a sentence of 30 - 90 years. Had he been tried as a juvenile, maximum disposition would have been five years.

The U.S. Supreme Court ruled unconstitutionality was present and that 1) in waiver of jurisdiction, a hearing must be granted, 2) assistance of counsel at such hearing must be granted, 3) plaintiff's counsel must have access to social service records and 4) a statement of facts of the "full investigation" and a statement of the judge's reasons for waiver must accompany the waiver. The court emphasized that juvenile procedures were still civil in nature and that consequently juveniles are not entitled to all protections afforded adult criminals (e.g. jury trial, bail, indictment by grand jury, public trial) but waiver hearings must provide all protections implied in Due Process Clause of the Fourteenth Amendment to the U. S. Constitution.

In 1967 the U.S. Supreme Court again shifted the picture, enlarging juvenile rights, under its decision in re Gault. Gault, age 15 years, was taken into custody following a complaint that he had made lewd telephone calls. Neither Gault nor his parents were then informed of why he was being charged with delinquency. The day prior to the hearing his mother was so informed. At his hearing before the judge, the complainant, Mrs. Cook, was not present and therefore not questioned. No record of the proceedings was made, no one was sworn to truth, no lawyer was present. In later hearings, the same situation existed and, in addition, conflicting evidence was given as to what and when Gault had confessed. He was declared delinquent and committed to the Industrial School until age 21, 6 years. (Maximum for adults convicted of the same charge would have been \$5 - \$50 fine or not over 2 months in jail). Under Arizona law, juvenile proceedings could not be appealed.

The Supreme Court ruled Gault had been denied his rights of due process and that in the case of a delinquency charge which might result in denial of liberty for a period of years the juvenile is entitled under the U.S. Constitution's Bill of

Rights to 1) notice of charges sufficiently in advance of the hearing to allow preparation of defense; 2) provision of counsel; 3) right to confront and cross-examine the complainant and witnesses; 4) right to remain silent -- privilege against self-incrimination. The court did NOT rule on right to a transcript of the proceedings, or right to appellate review. Again the Supreme Court emphasized that juvenile proceedings remain civil, not criminal.

The third major case influencing definition of juvenile rights was the case Re Winship, argued in the U.S. Supreme Court in 1970. In both Kent and Gault the court has affirmed that, while the Fourteenth Amendment does not require that all the protections inherent in criminal proceedings be involved in juvenile proceedings, that amendment's Due Process Clause does require "the essentials of due process and fair treatment" for juveniles. Winship posed the question -- does due process require proof of guilt "beyond a reasonable doubt" as required in adult criminal trials, or is "preponderance of evidence" as used in civil and juvenile proceedings sufficient proof? Winship, age 12 years, was judged delinquent as a result of a theft of \$112 from a purse. He was committed to a training school for 18 months, subject to annual extensions of the commitment until age 18 -- 6 years. The case was appealed at the New York Court of Appeals on the basis that "preponderance of evidence" was insufficient to prove guilt. That court ruled that since a delinquency adjudication "is not a conviction" nor is it criminal, "preponderance of evidence" was sufficient. But the U.S. Supreme Court reversed this, saying that loss of liberty is no less significant for a juvenile than for an adult and consequently, no juvenile can be deprived of his liberty on evidence less precise than that required to deprive an adult. The court again stated that its decision should in no way alter the juvenile justice concept of non-criminality.

In summary, the U.S. Supreme Court has placed the following requirements on every juvenile proceeding:

1. The 14th Amendment now applies specifically to adjudications of juvenile delinquency.
2. General allegations of delinquency are no longer allowed. Charges must be specified.
3. The child and his parents must be informed of right to counsel, and if they cannot afford it, counsel must be proffered.
4. Children must be informed of their right to remain silent: the right against self-incrimination applies to juveniles.
5. If no valid confession is present, there must be confrontation and cross-examination of witnesses.
6. A child's liberty may not be denied as a result of guilt established on less than "beyond reasonable doubt".

From these rulings, two basic trends have developed.

A. Concern over clear definition of the rights of juveniles. This definition will in future years tend to limit the almost arbitrary powers granted juvenile judges by earlier legislation. It will also increase the court's responsibility to protect its clients from unfair judicial process.

B. Many aspects of adult criminal trials now appear in juvenile hearing. This was done in an effort to protect the child but many observers feel it is the beginning of the end for juvenile courts. They note with alarm the gradual, piece-meal inclusion of adversary procedures into juvenile hearings. Despite the Supreme Court's continued affirmation that juvenile hearings are non-criminal, the use of criminal justice techniques would seem to belie this affirmation. Only time will tell if these new protections, borrowed from the adult criminal system, will lead to quasi-adult trials and the taint of criminality or whether they will, as intended, only form a firm base to guarantee protection to the juvenile equal to that of the adult.

End of Phase II

Phase III

Nationally, where are we? In 1968, the President's Commission of Law Enforcement and Administration of Justice concluded "that the great hopes originally held for the juvenile court have not been fulfilled. It has not succeeded significantly in rehabilitating delinquent youth, in reducing or even stemming the tide of delinquency, or in bringing justice and compassion to the child offender." "Dour sociological critics urge that it contributes to juvenile crime . . . by imposition of the stigma of wardship, unwise detention and incarceration of children in institutions which don't reform and often corrupt." "A mature and sophisticated judge, wise and well-versed in law and the science of human behavior -- has proved in fact too often unattainable." "More that four-fifths of the juvenile judges polled in a recent survey reported no psychologist or psychiatrist available to them on a regular basis . . ." "The dispositional alternatives available even to the better endowed juvenile courts fall far short of the . . . needs envisioned by the court's founders. In most places . . . alternatives are release outright, probation, and institutionalization." "Probation means minimal supervision at best." "Institutionalization often means storage."

And then this damning statement: "What research is making increasingly clear is that delinquency is not so much an act of individual deviancy as a pattern of behavior produced by a multitude of pervasive societal influences well beyond the reach of the actions of any judge, probation officer, correctional counselor, or psychiatrist." It would appear that the juvenile court, as seen nationally, is a failure with salvage questionable. But this leaves us with the terrifying thought that juvenile crime may be a necessary component of our society and that these children are pre-destined to a criminal doom.

We must conclude that we have not yet found the right solution, that it is now time for us to assess our present system, re-define old solutions. Where are our strengths, our weaknesses? Can we justify continuing the juvenile court system? How can we help it? Must we abandon it? What about Youth Service Bureaus as an alternative? Is community based treatment the answer? Shall we redefine "juvenile offender" to exclude non-crime offenses and so alter the court's jurisdiction and function? Where does Phase III lead? What do we WANT for Ohio?

GLOSSARY, ABBREVIATIONS, ADDRESSES

DEFINITIONS BASED ON THE OHIO REVISED CODE, CHAPTER 2151:

1. JUVENILE COURT- DIVISION OF THE COURT OF COMMON PLEAS OR A JUVENILE COURT SEPARATELY AND INDEPENDENTLY CREATED: (A) PROVIDE FOR THE CARE, PROTECTION, AND MENTAL AND PHYSICAL DEVELOPMENT OF CHILDREN SUBJECT TO CHAPTER 2151; (B) TO PROTECT THE PUBLIC INTEREST IN REMOVING THE CONSEQUENCES OF CRIMINAL BEHAVIOR AND THE TAIN OF CRIMINALITY FROM CHILDREN COMMITTING DELINQUENT ACTS AND TO SUBSTITUTE THEREFORE A PROGRAM OF SUPERVISION, CARE AND REHABILITATION; (C) TO ACHIEVE THE FOREGOING PURPOSES IN THE FAMILY ENVIRONMENT, SEPARATING THE CHILD FROM HIS PARENTS ONLY WHEN NECESSARY FOR HIS WELFARE OR IN THE INTEREST OF PUBLIC SAFETY.
2. CHILD- A PERSON WHO IS UNDER THE AGE OF EIGHTEEN YEARS, ALTHOUGH 16- AND 17-YEAR-OLDS MAY BE TRIED AS ADULTS IN SOME INSTANCES.
3. DETENTION- RESTRICTED FACILITIES FOR TEMPORARY CARE OF CHILDREN PENDING COURT ADJUDICATION OR DISPOSITION.
4. SHELTER- PHYSICALLY UNRESTRICTED FACILITIES FOR THE TEMPORARY CARE OF CHILDREN PENDING COURT ADJUDICATION OR DISPOSITION.
5. FOSTER HOME- A FAMILY HOME IN WHICH ANY CHILD IS RECEIVED APART FROM HIS PARENTS FOR CARE, SUPERVISION, OR TRAINING.
6. PROBATION- LEGAL STATUS CREATED BY COURT ORDER FOLLOWING AN ADJUDICATION THAT A CHILD IS DELINQUENT, A JUVENILE TRAFFIC OFFENDER, OR UNRULY WHEREBY THE CHILD IS PERMITTED TO REMAIN IN THE PARENT'S, GUARDIAN'S, OR CUSTODIAN'S HOME SUBJECT TO SUPERVISION, OR UNDER THE SUPERVISION OF AN AGENCY DESIGNATED BY THE COURT AND RETURNED TO THE COURT FOR VIOLATION OF PROBATION.
7. DELINQUENT CHILD- ONE WHO VIOLATES ANY LAW OF THIS STATE, THE U.S. OR ANY ORDINANCE OR REGULATION OF A POLITICAL SUBDIVISION OF THE STATE WHICH WOULD BE A CRIME IF COMMITTED BY AN ADULT, OR WHO VIOLATES ANY LAWFUL ORDER OF THE COURT.
8. UNRULY CHILD- (A) ONE WHO DOES NOT SUBJECT HIMSELF TO THE REASONABLE CONTROL OF HIS PARENTS, TEACHERS, GUARDIAN, OR CUSTODIAN, BY REASON OF BEING WAYWARD OR HABITUALLY DISOBEDIENT; (B) ONE WHO IS AN HABITUAL TRUANT FROM HOME OR SCHOOL; (C) ONE WHO SO DEPORTS HIMSELF AS TO INJURE OR ENDANGER THE HEALTH OR MORALS OF HIMSELF OR OTHERS; (D) ONE WHO ATTEMPTS TO ENTER THE MARRIAGE RELATION IN ANY STATE WITHOUT THE CONSENT OF HIS PARENTS, CUSTODIAN, LEGAL GUARDIAN, OR OTHER LEGAL AUTHORITY; (E) ONE WHO IS FOUND IN A DISREPUTABLE PLACE, VISITS OR PATRONIZES A PLACE PROHIBITED BY LAW OR ASSOCIATES WITH VAGRANT, VICIOUS, CRIMINAL, NOTORIOUS, OR IMMORAL PERSONS; (F) ONE WHO ENGAGES IN AN OCCUPATION PROHIBITED BY LAW, OR IS IN A SITUATION DANGEROUS TO LIFE OR LIMB OR INJURIOUS TO THE HEALTH OR MORALS OF HIMSELF OR OTHERS.
9. RECIDIVISM- REPEATED RELAPSE INTO CRIMINAL OR DELINQUENT HABITS; "RATE OF RECIDIVISM" IS OFTEN USED TO INDICATE NUMBER OF RETURNS OF INDIVIDUALS TO CORRECTIONAL FACILITIES.

10. NEGLECTED CHILD- ONE WHO IS ABANDONED BY HIS PARENTS, GUARDIAN OR CUSTODIAN OR WHO LACKS PROPER PARENTAL CARE, OR WHOSE PARENTS REFUSE TO PROVIDE PROPER OR NECESSARY SUBSISTENCE, EDUCATION, MEDICAL OR SURGICAL CARE, OR OTHER CARE NECESSARY FOR HIS HEALTH, MORALS, OR WELL-BEING.
11. DEPENDENT CHILD- ONE WHO IS HOMELESS OR DESTITUTE OR WITHOUT PROPER CARE OR SUPPORT, THROUGH NO FAULT OF HIS PARENTS; WHO LACKS PROPER CARE OR SUPPORT BY REASON OF THE MENTAL OR PHYSICAL CONDITION OF HIS PARENTS, GUARDIAN OR CUSTODIAN OR WHOSE CONDITION OR ENVIRONMENT IS SUCH AS TO WARRANT THE STATE, IN THE INTERESTS OF THE CHILD, IN ASSUMING HIS GUARDIANSHIP.
12. COMPLAINT- A SWORN COMPLAINT FILED IN THE JUVENILE COURT OF THE COUNTY IN WHICH SUCH CHILD HAS A RESIDENCE OR IN WHICH THE DELINQUENCY OCCURRED. MAY BE FILED BY ANY PERSON HAVING KNOWLEDGE OF A CHILD WHO APPEARS TO BE A TRAFFIC OFFENDER, DELINQUENT, UNRULY, NEGLECTED OR DEPENDENT.
13. SUMMONS- A NOTICE TO APPEAR IN COURT AFTER THE COMPLAINT HAS BEEN FILED; DIRECTED TO THE CHILD (UNLESS UNDER AGE 14, WHEN THE PARENTS ARE SERVED) NOT LATER THAN 10 DAYS AFTER THE COMPLAINT.
14. GUARDIAN AD LITEM- GUARDIAN APPOINTED BY A COURT TO REPRESENT IN A PARTICULAR LAWSUIT THE INTERESTS OF A PARTY WHO IS A MINOR.
15. REFEREE- ONE WHO ACTS AS A JUVENILE COURT JUDGE IN OHIO. HE HEARS MANY CASES BECAUSE OF THE HEAVY CASE LOAD OF THE COURT; HIS DECISION IS OKED BY THE JUDGE.

ABBREVIATIONS AND ADDRESSES:

1. O.Y.C. OHIO YOUTH COMMISSION, A DEPARTMENT OF THE STATE GOVERNMENT, RECEIVES CUSTODY OF ALL CHILDREN COMMITTED IN ACCORDANCE WITH SEC. 2151 OF THE REVISED CODE, AND CAUSES A STUDY TO BE MADE OF SUCH INDIVIDUALS, AND ISSUES ORDERS FOR THE TREATMENT OF EACH CHILD AS THE COMMISSION CONSIDERS BEST SUITED TO THE NEEDS OF THE INDIVIDUAL AND THE INTEREST OF THE PUBLIC. 2280 WEST BROAD STREET, COLUMBUS, OHIO 43223
2. T.I.C.O. TRAINING INSTITUTION, CENTRAL OHIO, OPERATED BY THE OYC.
3. NCCD NATIONAL COUNCIL ON CRIME AND DELINQUENCY, 291 HIGHWAY 17, PARAMUS, N.J. 07652, HAS PUBLISHED THE STANDARD JUVENILE COURT ACTS OF 1925, 1927, 1933, 1949 AND 1959 TO ENCOURAGE IMPROVEMENT OF JUVENILE COURTS. NCCD IS A NATIONAL, NONPROFIT, PRIVATE AGENCY WORKING TO PREVENT AND CONTROL CRIME AND DELINQUENCY.
4. A.L.I. AMERICAN LAW INSTITUTE, AN IMPORTANT, SCHOLARLY ORGANIZATION OF LAWYERS, LAW PROFESSORS AND JUDGES, AFTER YEARS OF WORK PUBLISHED A DRAFT, "MODEL PENAL CODE" IN 1962. ALI HAS PUBLISHED A MODEL SENTENCING ACT AND A MODEL YOUTH CORRECTION AUTHORITY ACT ALSO.
5. LEAA LAW ENFORCEMENT ASSISTANCE ADMINISTRATION - FEDERAL AGENCY ESTABLISHED TO ADMINISTER THE PROVISIONS OF THE OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968.

6. OCCD OHIO COUNCIL ON CRIME AND DELINQUENCY. 22 E. GAY ST., COLUMBUS, OHIO 43215. THIS IS THE STATE AFFILIATE OF THE NCCD.
7. U.S. CHILDREN'S BUREAU, SUPT. OF DOCUMENTS, U.S. GOV'T. PRINTING OFFICE, WASHINGTON, D.C. 20402. ORGANIZED TO SUPPORT THE IMPROVEMENT OF JUVENILE COURTS.
8. N.C.J.C.J. NATIONAL COUNCIL OF JUVENILE COURT JUDGES, 1155 E. 60TH ST., CHICAGO, ILLINOIS 60637.

OHIO YOUTH COMMISSION

THE YOUTH COMMISSION IS A DEPARTMENT OF STATE GOVERNMENT AND IS HEADED BY A DIRECTOR, WHO IS APPOINTED BY THE GOVERNOR. THE DIRECTOR IS CHIEF EXECUTIVE AND ADMINISTRATIVE OFFICER OF THE COMMISSION. THERE ARE TWO OTHER OFFICERS APPOINTED BY THE GOVERNOR, NAMELY, A DEPUTY DIRECTOR OF COMMUNITY SERVICES AND A DEPUTY DIRECTOR OF CORRECTIONAL SERVICES.

THE YOUTH COMMISSION RECEIVES CUSTODY OF ALL CHILDREN COMMITTED IN ACCORDANCE WITH SEC. 2151 OF THE REVISED CODE, AND CAUSES A STUDY TO BE MADE OF SUCH INDIVIDUALS, AND ISSUES ORDERS FOR THE TREATMENT OF EACH CHILD AS THE COMMISSION CONSIDERS BEST SUITED TO THE NEEDS OF THE INDIVIDUAL AND THE INTEREST OF THE PUBLIC.

THE YOUTH COMMISSION IS ALSO CHARGED WITH PROVIDING A PROGRAM OF EDUCATION, PROMOTION AND ORGANIZATION OF LOCAL CITIZENS GROUPS AIMED AT PREVENTION AND CONTROL OF JUVENILE DELINQUENCY.

THE YOUTH COMMISSION IS RESPONSIBLE FOR THE OPERATION OF THE FOLLOWING INSTITUTIONS AND BUREAUS:

JUVENILE DIAGNOSTIC CENTER
 CUYAHOGA HILLS BOYS SCHOOL
 FAIRFIELD SCHOOL FOR BOYS
 RIVERVIEW SCHOOL FOR GIRLS
 SCIOTO VILLAGE
 TRAINING CENTER FOR YOUTH
 TRAINING INSTITUTION, CENTRAL OHIO
 HERBERT F. CHRISTIAN YOUTH CAMP
 MAUMEE YOUTH CAMP
 MOHICAN YOUTH CAMP
 ZALESKI YOUTH CAMP
 ZANESVILLE YOUTH CAMP
 BUREAU OF COMMUNITY DEVELOPMENT
 BUREAU OF JUVENILE PLACEMENT
 BUREAU OF PROBATION DEVELOPMENT

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21-COURTS: PROBATE, JUVENILE
23-COURTS: COMMON PLEAS
25-COURTS: APPELLATE
27-COURTS: GENERAL PROVISIONS
CH. 309-PROSECUTING ATTORNEY
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Also:

CONTACT THE PRESIDING JUDGE OF EACH COURT FOR BOTH A COPY OF THE BUDGET AND
THE LATEST ANNUAL REPORT.

WRITE THE JUVENILE COURT IN BOULDER, COLORADO, FOR INFORMATION ABOUT TREATMENT
OF JUVENILES.

OBTAIN PUBLICATIONS LISTS FROM:

NATIONAL COUNCIL ON CRIME AND DELINQUENCY - SEE GLOSSARY

OHIO COMMITTEE ON CRIME AND DELINQUENCY - SEE GLOSSARY

AMERICAN JUDICATURE SOCIETY

1155 EAST 60TH STREET, CHICAGO, ILLINOIS 60637

AMERICAN BAR ASSOCIATION

1155 EAST 60TH STREET, CHICAGO, ILLINOIS 60637

LEAGUE OF WOMEN VOTERS OF OHIO
65 S. FOURTH STREET
COLUMBUS, OHIO 43215

SEPTEMBER 1971

QUESTIONNAIRE FOR LOCAL ADULT & JUVENILE JUSTICE STUDY

HERE ARE QUESTIONS TO GIVE DIRECTION TO YOUR STUDY. IT WILL INSURE THAT EVERY
LOCAL UNIT WILL PROVIDE THE STATE STUDY WITH ANSWERS TO THE SAME QUESTIONS, THUS
CREATING LOCAL PICTURES WHICH CAN BE COMPARED AND WHICH WILL FORM A COHESIVE OHIO
PICTURE.

THERE ARE MANY QUESTIONS, AND FOR SOME YOU WILL FIND NO ANSWERS, BUT IT IS ALSO
IMPORTANT FOR US TO DETERMINE WHICH QUESTIONS CANNOT BE ANSWERED. THIS WILL HELP TO
COMPLETE OUR OHIO PICTURE.

WHEN YOU INTERVIEW, REMEMBER THAT WE LOOK FOR FACTS - AND THAT WE CANNOT FORM
ANY OPINION UNTIL AFTER THE FACTS ARE IN. YOU MAY BE SURPRISED TO FIND HOW WELL
YOUR LOCAL SYSTEM WORKS IN SPITE OF ITS HANDICAPS. YOU MAY FIND THE PERSONNEL TO BE
MEN OF GOOD FAITH STRUGGLING AGAINST IMPOSSIBLE ODDS. OR YOU MAY FIND THE SYSTEM IN-
EPT AND INEFFICIENT. WHO KNOWS?

IN ANSWERING THE QUESTIONS, PLEASE NUMBER EACH ANSWER TO CORRESPOND TO THE
QUESTION'S NUMBER. MAKE YOUR ANSWERS AS FULL AS POSSIBLE, USING AS MANY PAGES AS
YOU NEED. DO NOT TRY TO ANSWER THEM ON THE QUESTION SHEET, USE SEPARATE SHEETS,
KEEPING EACH SECTION - "A", "B", ETC. TOGETHER SO WE MAY MORE EASILY COMPARE.

GOOD LUCK - AND KEEP AN OPEN MIND, FELLOW LEAGUERS!

A. LAW ENFORCEMENT (POLICE)

- A1. ARE THERE SPECIAL JUVENILE OFFICERS? WHAT IS AVERAGE LENGTH OF SERVICE?
HOW MANY TOTAL?
HOW MANY FEMALE OFFICERS?
- A2. SALARY RANGE _____ BASED ON TIME ON FORCE? OR ON _____
- A3. WHAT QUALIFICATIONS ARE REQUIRED FOR HIRING? FOR ADVANCEMENT?
- A4. DOES CIVIL SERVICE EXERCISE ANY AUTHORITY OVER HIRING? SALARY?
- A5. BRIEFLY DESCRIBE TRAINING OF NEW OFFICERS.
- A6. IS FURTHER IN-SERVICE TRAINING PROVIDED? BY WHOM? AMOUNT OF TIME INVOLVED?
EXTENT OF PROGRAM?
- A7. ARE NEW OFFICERS REQUIRED TO ENTER THE RANKS AT THE LOWEST RUNG, THEN WORK UP,
OR ARE THEY HIRED AT THE LEVEL COMMENSURATE WITH THEIR INITIAL QUALIFICATIONS?
- A8. DO JUVENILE OFFICERS HANDLE OTHER THAN JUVENILE CASES? WHAT % OF TIME IS SPENT
ON JUVENILE CASES?
- A9. TOTAL NUMBER OF JUVENILE CASES HANDLED LAST STATISTICAL YEAR?
WHAT % WERE DELINQUENT CHARGES?
" " " UNRULY CHARGES?
" " " DEPENDENT, NEGLECTED OR ABUSE CASES?
- A10. LIST PRIMARY SOURCES OF REFERRALS. (EG. SCHOOLS)
GIVE APPROXIMATE PERCENTAGES.
- A11. TO WHOM ARE ARREST RECORDS AVAILABLE? UNDER WHAT CIRCUMSTANCES?
- A12. HOW LONG ARE POLICE RECORDS KEPT? BY WHOM?
- A13. ARE CHILDREN'S RIGHTS GIVEN IN WRITTEN FORM? WHAT % WAIVE THESE RIGHTS? GET
A COPY OF FORM, IF WRITTEN.
- A14. THE USE OF FORCE IS APPROVED UNDER WHAT CIRCUMSTANCES? WHAT RECORDS ARE KEPT
ON USE OF FORCE AND TO WHOM ARE THEY SUBMITTED FOR REVIEW?
- A15. ARE DIAGNOSTIC SERVICES USED PRIOR TO FINAL DISPOSITION BY POLICE?
- A16. DO JUVENILE OFFICERS POSSESS AUTHORITY TO DETERMINE WHO IS DETAINED IN CUSTODY?
IF NOT, WHO DOES?
- A17. OF THE TOTAL CASES HANDLED LAST STATISTICAL YEAR
WHAT % ARE REFERRED TO COURT?
" " " " COMMUNITY AGENCIES? LIST AGENCIES MOST FREQUENTLY USED
" " " DISMISSED AT POLICE LEVEL?
" " " "OTHER" DISPOSITIONS? SPECIFY.
- A18. ARE JUVENILE OFFICERS INVOLVED IN COMMUNITY PLANNING CONCERNING JUVENILES? IN
WHAT WAY?
- A19. IS THERE CLOSE COMMUNICATION AMONG POLICE, COURT INTAKE AND DETENTION CENTER
PERSONNEL IN SETTING GUIDELINES AS TO WHAT CHILD SHOULD BE DETAINED IN CUSTODY?

SPECIAL NOTE TO ADULT JUVENILE JUSTICE CHAIRMEN

THIS IS A COPY OF THE ORIGINAL AJJJ QUESTIONNAIRE SENT TO ALL LOCAL LEAGUES
SEPTEMBER 1971. IT IS BEING INCLUDED FOR YOUR CONVENIENCE IN THE EVENT YOUR
ORIGINAL MAY NOT BE AVAILABLE TO YOU.

B. INTAKE FOR COURT AND DETENTION FACILITIES

- B1. DOES INTAKE OPERATE 24 HOURS / DAY? IF NOT, LIST OPEN HOURS?
- B2. HOW MANY INTAKE WORKERS? AVERAGE LENGTH OF SERVICE?
- B3. WHAT QUALIFICATIONS ARE REQUIRED FOR HIRING? SALARY RANGE?
- B4. IF INTAKE CLOSES AT NIGHT OR WEEK ENDS, WHERE ARE POLICE DETAINED CHILDREN
MAINTAINED DURING THESE PERIODS?
- B5. NUMBER OF CASES HANDLED IN LAST STATISTICAL YEAR BY INTAKE?
- B6. WHAT % ARE REFERRED TO COURT BY POLICE?
" " " " " " " SCHOOL?
" " " " " " " OTHER? SPECIFY.
- B7. WHAT % ARE INAPPROPRIATELY REFERRED TO COURT? (EG. CHILDREN ACTUALLY NEEDING
ONLY COUNSELING, CHILDREN NAMED IN "SPITE" COMPLAINTS, ETC. IS THE COURT
BURDENED WITH ACTING AS YOUTH SCREENING AGENCY FOR COMMUNITY?)
- B8. WHAT % OF CASES HANDLED ARE DISMISSED AT INTAKE LEVEL?
" " ARE RELEASED TO PARENTS PENDING TRIAL?
" " ARE DETAINED? DOES INTAKE DECIDE THIS AND ON WHAT BASIS?

C. LEGAL REPRESENTATION AND RIGHTS

- C1. ARE THE CHILD'S RIGHTS - TO COUNSEL, TO REMAIN SILENT, ETC. - PRESENTED TO BOTH PARENTS AND CHILD? IS IT IN WRITTEN FORM? GET COPY.
- C2. IF NOT IN WRITTEN FORM, WHO DESCRIBES THE RIGHTS AND AT WHAT POINT IN THE COURT PROCESS?
- C3. WHO CAN WAIVE THE CHILD'S RIGHTS? THE CHILD? PARENT? ARE SIGNATURES OF BOTH CHILD AND PARENT REQUIRED?
- C4. WHAT HAPPENS IF CHILD AND PARENT DISAGREE AS TO WAIVER?
- C5. CAN A LEGALLY SIGNED WAIVER BE REVOKED BY THE SIGNEE?
- C6. DOES THE COURT EVER REQUIRE COUNSEL EVEN THOUGH RIGHT TO COUNSEL WAS WAIVED?
- C7. ARE LEGAL SERVICES PROVIDED TO INDIGENTS? WHO RENDERS THIS SERVICE? CAN THE INDIGENT REFUSE A PARTICULAR LAWYER AND REQUEST A DIFFERENT ONE? WHO DEFINES "INDIGENT" AND HOW?
- C8. WHAT % OF CASES USE COURT PROVIDED LAWYERS? HOW MUCH IS PAID FOR EACH CASE SERVICED? PAID FROM COURT FUNDS OR NON-COURT COUNTY FUNDS?
- C9. WHAT % OF "GUILTY" PLEAS REFUSE COUNSEL?
" " " "NON-GUILTY" PLEAS REFUSE COUNSEL? WHY MIGHT THIS BE?
- C10. HOW DOES THE COURT INTERPRET "COMPETENTLY AND INTELLIGENTLY WAIVED" AS REQUIRED IN 2151.352 REVISED CODE?
- C11. DOES A COURT APPOINTED LAWYER SPEND AS MUCH TIME WITH HIS CLIENT AS A PRIVATE LAWYER? ARE LAW STUDENTS USED?
- C12. IS THERE A LEGAL AID OR PUBLIC DEFENDER AGENCY IN YOUR COMMUNITY? WHAT IS ITS PROPER TITLE AND ADDRESS?

D. DETENTION FACILITY-----2151.31-2151.34D1. PHYSICAL DESCRIPTION

- CAPACITY FOR BOYS? GIRLS?
 PROXIMITY TO COURT? HOW ARE CHILDREN TRANSPORTED BETWEEN COURT AND DETENTION FACILITY?
 SLEEPING AREA: NUMBER CHILDREN PER UNIT? CHILDREN GROUPED BY AGE? TYPE OF OFFENSE? FIRST OFFENDERS? HOW?
 LEISURE AREA: CONTAINS WHAT? TV? CARDS AND TABLES? BOOKS? RECORDS? PUZZLES?
 RECREATION AREA: CRAFT ROOM? CRAFT PROGRAM? EQUIPMENT? HOW MUCH TIME ALLOWED PER DAY?
 EXERCISE AREA: INDOORS OR OUTDOORS? GYMS? WHAT EQUIPMENT? HOW MUCH TIME ALLOWED PER DAY?
 SCHOOL: SPECIAL ROOM FOR CLASSES? "ONE ROOM SCHOOL" OR ARE CHILDREN GROUPED BY AGE, CLASS OR WHAT FACTOR? TIME FOR CLASSES?
 RELIGION: CHAPEL PROVIDED? SERVICES HELD? HOW OFTEN? BY WHOM?
 VISITS: SEPARATE VISITING AREA? IS PRIVACY AFFORDED IN ANYWAY? HOW OFTEN FOR VISITS? MAY FOOD, BOOKS, ETC. BE BROUGHT?
 CLOTHING: ARE UNIFORMS USED? IF NOT, WHAT? WHO PAYS FOR CLOTHING?
 MEDICAL: ARE PHYSICALS GIVEN NEW INMATES? WHO DOES SMEARS FOR VENEREAL DISEASE - HOW ARE INFECTED CHILDREN ISOLATED AND/OR TREATED? HOW ARE MEDICAL EMERGENCIES DEFINED AND WHO DETERMINES THE PRESENCE OF ONE?
 SANITARY: ARE TOILETS, TUBS, ETC. ENCLOSED TO PROVIDE PRIVACY OR OPEN TO DISCOURAGE PRIVACY? HOW OFTEN BATHS GIVEN? ARE THERE WINDOWS? CLEAR OR FROSTED GLASS? CAN THEY BE OPENED? BARRED? AIR CONDITIONING IF UNOPENABLE? WHEN WAS FACILITY LAST INSPECTED BY BOARD OF HEALTH?
 PSYCH: PRIVATELY PROVIDED FOR TESTING AND/OR COUNSELING?
 PUNISHMENT: IS ISOLATION USED? HOW LONG CAN IT LAST? HOW IS IT ACCOMPLISHED? FOOD EVER DENIED? VISITATION DENIED? OTHER PUNISHMENTS USED - SPECIFY? FOR WHAT IS PUNISHMENT IMPOSED? WHO DECIDES?
 ARE SEXES ALLOWED TO MIX? HOW OFTEN?

- D2. STAFF: LIST # OF PERSONS, SALARY RANGE, QUALIFICATIONS, FULL OR PART TIME (IF PART TIME, HOW OFTEN) FOR EACH POSITION. IF ANY POSITION IS "LIVE IN", INDICATE. IF POSITION WORKS SHIFTS GIVE #/SHIFT.
- | | |
|-----------------------|------------------------------|
| MALE ATTENDANTS | MEDICAL |
| FEMALE ATTENDANTS | PSYCHOLOGICAL OR SOCIAL WORK |
| RECREATION | DIRECTOR |
| SCHOOL | JANITORIAL AND LAUNDRY |
| DIETICIAN AND KITCHEN | |

IS IN-SERVICE TRAINING PROVIDED? AMOUNT OF TIME? NEW EMPLOYEES ONLY?
 EXTENT OF PROGRAM?

- D3. IS THE FACILITY USED FOR PRE-TRIAL DETENTION? PUNISHMENT? BOTH? OTHER?
 D4. DO CHILDREN HAVE WORK WHILE DETAINED?
 D5. ARE CHILDREN EVER HELD OVER 90 DAYS (2151.34 REVISED CODE)? UNDER WHAT CIRCUMSTANCES?
 D6. HOW MANY WERE DETAINED DURING LAST STATISTICAL YEAR? AVERAGE LENGTH OF STAY? # DETAINED IN AGE GROUP 7-11? 11-15? 15-18? SEPARATE BY MALE AND FEMALE.

LEAGUE OF WOMEN VOTERS OF OHIO
65 SOUTH FOURTH STREET
COLUMBUS, OHIO 43215
614-463-1247

JULY 1973

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END