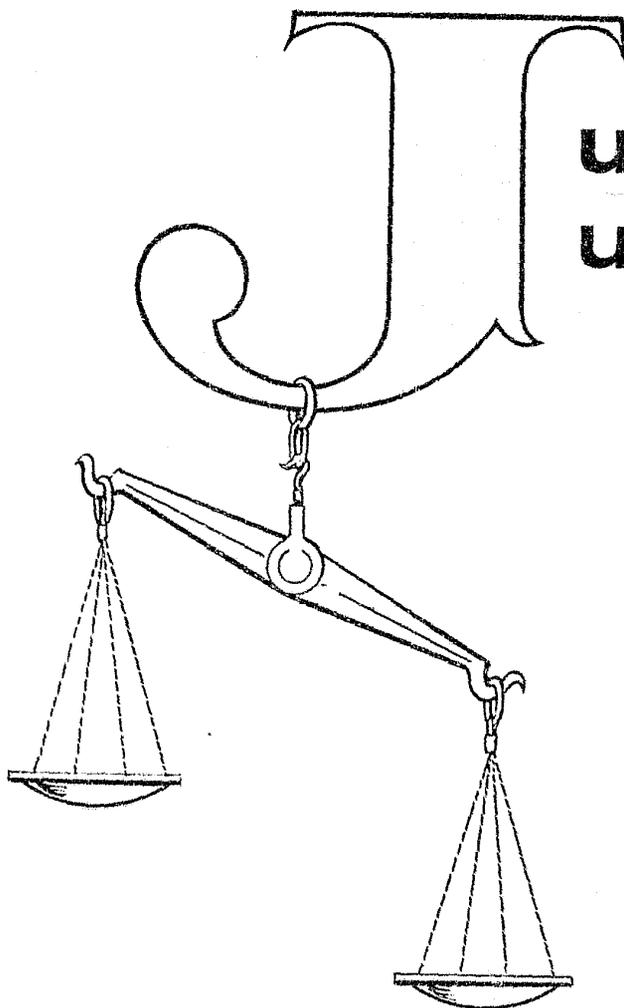


# INTAKE SCREENING GUIDES

## Improving

## Justice for juveniles



12161  
INS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE  
Office of Human Development  
Office of Youth Development  
Washington, D.C. 20201

2862  
Ilen Hancock

**INTAKE SCREENING GUIDES** —

**Improving Justice for Juveniles**

by

**Jay Olson  
George H. Shepard  
Program Managers-Operations**

**U.S. DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE  
Office of Human Development  
Office of Youth Development  
Washington, D.C. 20201**

February 1975

## FOREWORD

This publication is designed as a support service to provide Federal leadership in encouraging States and local communities to improve justice for juveniles.

The *Intake Screening Guides* are complementary to another Office of Youth Development publication—the *Model Acts for Family Courts—State/Local Children's Programs*—which stresses diversion of youth from the juvenile justice system in the non-criminal offense category, and the development of alternative programs outside of the correctional media.

The *Intake Screening Guides* provide criteria for the screening and referral of youth coming to the attention of law enforcement and juvenile court intake. They suggest screening processes at intake levels and provide criteria for disposi-

tional practices by law enforcement and juvenile court intake units.

In addition, they promote the formation of inter-agency agreements between youth-serving agencies and the juvenile justice system for processing youth into or out of the system, and they recommend organizational structures for law enforcement and juvenile court intake units that will facilitate delinquency prevention practices and procedures.

It is our hope that the guidelines and criteria promulgated in this publication will fill a void in the field which has resulted in a conglomeration of varied practices lacking in uniformity, consistency or fairness—practices which indiscriminately and excessively propel youth into the juvenile courts and help to stigmatize many as delinquent who are *not* dangerous to society.

JAMES A. HART  
Commissioner  
Office of Youth Development

## TABLE OF CONTENTS

	Page
Foreword .....	ii
Introduction .....	v
References .....	vi
<b>PART ONE—LAW ENFORCEMENT JUVENILE INTAKE SERVICES</b>	<b>1</b>
Chapter I—Law Enforcement Screening and Referral Practices .....	1
Chapter II—Intake Determinations and Procedures .....	3
Department Policy and Attitudes Regarding Juvenile Behavior ..	3
State Statutory Requirements: Police Discretion .....	3
Juvenile Arrests and Records .....	4
Investigation of Juvenile Cases .....	5
Law Enforcement Discretionary Practices .....	5
Detention Practices .....	6
Working Agreements with Other Youth-Serving Agencies .....	6
Availability of Community-based Alternatives .....	7
Inappropriate Referrals .....	7
Status Offenses .....	7
Neglected Children .....	7
Inappropriate Functions .....	8
Unofficial Probation, Casework Supervision & On-Going	
Counseling .....	8
Recreational Administration .....	8
Chapter III—Organization and Administration for Juvenile	
Specialization .....	11
Specialization for Work with Juveniles .....	11
Size of the Juvenile Unit or Division .....	11
Placement of the Juvenile Unit in the Hierarchical Organization ..	12
Autonomy of the Juvenile Unit or Division .....	12
Hours of Operation for the Juvenile Unit or Division .....	13
Assignment and Training of Personnel .....	13
Chapter IV—Summary of Guides for Law Enforcement Screening	
of Juvenile Cases .....	15
References .....	16
Table I—Law Enforcement Intake Decisions and Dispositions .....	17
Table II—Juvenile Court Intake Decisions and Dispositions .....	18

<b>PART TWO—JUVENILE COURT INTAKE SERVICES</b> .....	19
<b>Chapter V—Juvenile Court Intake</b> .....	19
Legal Basis for the Intake Process .....	19
<b>Chapter VI—Intake, Determinations and Procedures</b> .....	21
Screening Practices .....	21
Initial Contact .....	21
Neglect Cases .....	21
Factors in Decision-Making .....	22
Intake Dispositions .....	22
Adjustments and Referrals .....	23
The Rights of Youth and Parents .....	24
Prosecutor's Role .....	24
Detention and Shelter-Care .....	24
Relationships with Community Youth-Serving Agencies .....	25
Written Procedures .....	26
<b>Chapter VII—Organization and Administration</b> .....	27
Intake Staff .....	27
Volunteers .....	28
<b>Chapter VIII—Summary of Guides for Juvenile Court Intake</b>	
Screening .....	29
References .....	30

## INTRODUCTION

During the past decade, programs of diversion of youth from the juvenile justice system have been proliferating in almost all sections of the country. One impetus for this development was the report of the 1967 President's Commission on Law Enforcement and Administration of Justice. The Commission recommended establishing alternatives to the system of juvenile justice:

"The formal sanctioning system and pronouncement of delinquency should be used only as a last resort.

"In place of the formal system, dispositional alternatives to adjudication must be developed for dealing with juveniles, including agencies to provide and coordinate services and procedures to achieve necessary control without unnecessary stigma. Alternatives already available such as those related to court intake, should be more fully exploited.

"The range of conduct for which court intervention is authorized should be narrowed, with greater emphasis upon consensual and informal means of meeting the problems of difficult children."<sup>1</sup>

The nature and extent of diversion in any community is determined by the screening practices of the police and the juvenile courts.

The term diversion has been employed very broadly to refer to almost any discretionary action. However, diversion in this publication refers to a process of referring youth to existing community youth services outside the juvenile justice system and in lieu of further juvenile justice processing.

Diversion can take place at any point between apprehension and the filing of a petition in juvenile court.

This definition, thus, place some limits upon what actions constitute diversion. It presupposes a receiving agency which offers some youth development or delinquency prevention service. This factor provides a distinction between diversion and what is called screening.

Screening, by definition, is a system for examining and separating into different groups.

The police and juvenile court intake examine and then classify youth coming to their attention into the following categories:

(1) Those who can be warned and released without further action.

(2) Those who should be retained in the juvenile justice system because, they are a threat to the personal safety of citizens or a threat to commit another serious crime.

(3) Those who need some community youth service, but do not require further processing in the juvenile justice system. (Diversion)

Youth who are unnecessarily retained in the juvenile justice system are negatively and inappropriately labeled. The stigma associated with this labeling is damaging.

"The delinquent label accomplishes four major changes in the life of the child to whom it is attached. First, as a self-fulfilling prophecy, it encourages the child to identify himself as a delinquent and bad. He organizes his behavior, attitudes, and ambitions accordingly.

"Secondly, the label acts to strip the youth's community of the positive means of control it normally employs to hold the behavior of its youth in line with its values. By rejecting the child who has acquired a delinquent label society withdraws its recognition and affirmation.

"Third, the label serves effectively to cut off legitimate opportunities for success and recognition. The most significant people in a child's life—his peers, family, neighbors and authority figures react to the child labeled delinquent with mistrust, suspicion and caution.

"The fourth and most critical result of the delinquent label is that it opens the door to illegitimate opportunities to the child. If a youth accepts its delinquent label and seeks out friends who have also been labeled, his behavior will tend to conform to the standards of those friends from whom he is forced to seek recognition and approval."<sup>2</sup>

Improved screening and the resulting increased diversion of youth from the juvenile

justice system could have another beneficial effect—a lightened caseload for the juvenile court and correctional system. Greater concentration of its manpower on the serious and more dangerous offender in the juvenile justice system should result in greater protection for the community and individualized justice for the offender.

Finally, the processes and programs of the juvenile justice system are expensive. How ex-

pensive we are not sure, but there is general agreement that it is considerably more expensive than the substitute programs outside the system.

This publication has been divided into two parts.

Part ONE discusses the role of Law Enforcement in the intake process.

Part TWO deals with Juvenile Court Intake.

#### REFERENCES

1. *Task Force Report on Juvenile Delinquency and Youth Crime*, President's Commission on Law Enforcement and Administration of Justice, U.S. Government Printing Office,

Washington, D.C. 20402, (1967), p. 2.  
2. Duncan D.F. "Stigma and Delinquency," *Cornell Journal of Social Relations*, Vol. 4, pp. 41-45, 1969.

## Part I

### Law Enforcement Juvenile Intake Services

#### CHAPTER 1

### LAW ENFORCEMENT SCREENING AND REFERRAL PRACTICES

Law enforcement agencies in most communities, are given wide discretion in handling youthful offenders and in making dispositions of juvenile cases.

In essence, law enforcement agencies are governed by State juvenile codes which—in varying degrees, and depending on the age and sophistication of the law itself—dictate the general procedures to be followed in juvenile cases.

In practice, however, many law enforcement agencies have adopted procedures which do not conform with State laws, but which do divert youth from the juvenile justice system. This practice points up the need for the revision of legislation by which diversionary practices should be sanctioned by the law.

A variety of methods of operation, staffing patterns and training for juvenile work exist. There are distinct differences in recordkeeping, interview techniques and the use of discretion by staff.

Although there are marked exceptions, the basic shortcoming in many police units is a lack of guidelines and criteria in the use of discretion in arriving at dispositions regarding court referral and the use of temporary secure custody or detention.

In some States where the juvenile code mandates the delivery of juvenile violators to the custody of the juvenile court or probation department, the police (particularly in the more populated areas of the State) will delve more deeply into the individual aspects of their juvenile cases and deflect or screen a considerable number of youth from the juvenile court. It

has been estimated that law enforcement agencies are thus able to divert about 50% of their cases from the juvenile courts. In some instances, the percentage is as high as 75% or more. Despite this salutary practice of diversion from the juvenile justice system, there is still much room for improvement in the practices in many communities. There does not appear to be any hard or fast rule which serves as a total determinant in the law enforcement dispositional process. As a result, hundreds of young people throughout the country, are propelled into the juvenile courts who do not belong there or for whom there are no adequate services.

Most law enforcement juvenile officers consider the following factors in making dispositions of their juvenile cases:

1. The seriousness of the offense.
2. The age and sex of the offender.
3. The previous history or record of the offender.
4. The attitude of the youth about his conduct, himself, family and victim.
5. The attitude of the parents toward the situation and the child.
6. The availability of community-based alternatives to the juvenile court.

The dispositions generally available to law enforcement officers in juvenile cases are:

1. Outright release, (for minor offenses or in weak cases).
2. Warn and release, (with or without notice to parents/guardians, depending upon factors in #1).
3. By consent or agreement with parents/guardians and the youth, to a community-based

social service or welfare agency, or to the prevention division of the Department established in accordance with the Model Acts for Family Courts—State/Local Children's Programs Part II, Title A or Title B.<sup>1</sup>

#### 4. Referral to the juvenile court.

In general practice, most law enforcement agencies will usually refer serious criminal offenses to the juvenile court—murder, forcible rape, aggravated assault, robbery, burglary, larceny (over \$50), and auto theft.<sup>2</sup> However, there is some evidence that law enforcement does divert burglary, larceny and auto theft cases from the juvenile courts.

In some communities, law enforcement juvenile investigators go far beyond most others in handling serious crimes by juveniles. Some officers are required to investigate every facet of the case and to screen out offenders whose acts, while felonious by legal description, are nonetheless inconsistent with "felonious intent" or

are otherwise mitigated by extenuating circumstances. As a result, a youth who—for example—demanded and accepted another's money or property, (on the face—a felonious act) might be diverted from the juvenile court if the officer ascertained that the act was isolated, and not a common pattern for the youth.

In other communities, juvenile officers *must* refer cases to the juvenile court only if a written report of the incident leading to the contact was prepared by the investigator. Such action removes discretion from the hands of the law enforcement officer and could promote negative labeling and stigmatization of youth. It could also discourage law enforcement officers from making and keeping *any* records of youthful law violators.

The following chapters will point out some of the areas of law enforcement juvenile intake operations which should be addressed by agencies that are concerned with diverting appropriate cases from the juvenile justice system.

## CHAPTER II

### INTAKE DETERMINATIONS AND PROCEDURES

#### Departmental Policy and Attitudes Regarding Juvenile Behavior

Police work, by its very nature, is dynamic. In any given locale, the law enforcement operation reflects the attitude of the majority of its citizens. Chiefs of law enforcement agencies are very conscious of public pressures, and it is not unusual that departmental policies are weather-vanes of perceived public attitudes.

Law enforcement takes its cues from chiefs. This process filters down through the ranks, and law enforcement officers can therefore be viewed as enforcing the laws in accordance with public demand. If that demand takes a hard line on youth, the attitude for the most part is attributable to the *community itself*. The community attitude also helps to explain why diversion by law enforcement intake units is accentuated by greater rates when there exists a greater amount of community-based alternatives to the juvenile justice system.

Experiences with the Office of Youth Development's youth services systems projects indicate that law enforcement agencies do divert more juvenile cases to community alternative programs when they become aware of their existence and are conscious of their potential. Community clamor for changes in the processes which help to stigmatize youth are followed by changes in the posture and practices of agencies which may impact negatively upon youth.

#### State Statutory Requirements: Police Discretion

Juvenile codes and laws vary greatly from state to state. As with community attitudes, they reflect the general values and mores of the people of the State at the time the law was adopted.

Very few State laws expressly authorize the use of discretion by law enforcement in the handling of juvenile cases. Indeed, most State

laws are silent on this issue. Others specify that discretion should rest with their juvenile courts and/or probation departments only.

The use of police discretion in juvenile cases has been reported and recommended in several Federal publications,<sup>3</sup> as well as by other authorities—public and private.

It is almost impossible to accurately estimate the *actual* number of cases diverted, since many law enforcement agencies do not keep formal records of all of their contacts with juveniles, particularly for minor offenses.

An Office of Youth Development publication,<sup>4</sup> will assist the States in drafting new juvenile statutes that address the thorny issue of the redefinition of juvenile court jurisdiction, consistent with the protection of both youth and the public.

Among its major recommendations is a suggestion for strong and efficient State or locally administered programs of delinquency prevention and treatment outside of the juvenile justice system.<sup>5</sup> The type of organization is left to the discretion of individual States—to be mandated by enabling legislation, and to permit the designated agency to effectively carry out and implement the program.

Under such a system, the referral of youth to the State or locally administered delinquency prevention program by law enforcement agencies, schools, parents and other agencies, would not carry with it the concomitant stigmatization so prevalent with referral to the present juvenile justice system.

Law enforcement agencies and personnel offer varied reasons—real or imagined—for their referral of so many inappropriate cases to the juvenile courts. The most common argument offered is the requirement of State juvenile laws. Practices in many locales, however, do not support this contention. Discretion is practiced by many law enforcement juvenile staffs—their State laws notwithstanding. Again, while this

practice may be commendable from the point of view of those who would reduce referrals to the juvenile courts, it points up the need for legislative revision.

It should be remembered that law enforcement practices can, in essence, overtax the operation of any juvenile court by the indiscriminate referral of all kinds of cases to that court, especially during those periods when any given community or department decides to concentrate on a strict enforcement of the juvenile codes.

#### Juvenile Arrests and Records

The handling of juvenile arrests and subsequent investigations vary among many law enforcement agencies. While there is no procedure that should dictate the exact investigative methodology for each Agency in every case, the following suggestions will assist agencies in preparing and maintaining necessary records and reports, and in facilitating the diversion of appropriate cases from the juvenile justice system.

State laws give law enforcement officers the right to take into custody youth who are apprehended in the commission of crimes or unlawful acts, and to charge them with the law violation(s). Departmental policies generally govern the specific action to be followed in such cases.

Most juvenile cases are initially handled by uniformed officers in the field since they are usually the first law enforcement units to arrive at the scene of a crime.

When field officers arrest juveniles and charge them with crimes, the juvenile unit or division should be notified at once, so that qualified specialists may assist in the investigation which ensues. Cases which require extensive handling, or the investigation of corollary leads, should be handled by the staff of the juvenile unit or division. This is particularly important where they would require field officers to leave their assigned posts or sectors for appreciable time periods.

Since not all cases handled in the field will require follow-up action, it is recommended that law enforcement agencies establish strict criteria for field dispositions that will preclude the forwarding of unnecessary juvenile reports for follow-up investigations.

Arrests of youth by officers assigned to all other departmental units should be reported to the juvenile unit on specified forms, so that up-to-date records may be maintained. Arrest dispositions, when available, should similarly be reported to the juvenile unit on specified forms.

Reports sent to the juvenile unit should be filed under rigid security, and be made available only to other members of the Department, other law enforcement agencies, and/or the personnel of the juvenile court or probation department, on a NEED-TO-KNOW basis. This sealing and purging of these reports and records should be maintained, pursuant to Section 46 of the Model Acts For Family Courts and State/Local Children's Programs which states:

(a) The court shall, by rule, require all law enforcement agencies to take special precautions to ensure that law enforcement records and files concerning a child will be maintained in such a manner and under such safeguards as will protect against disclosure to any unauthorized person. Unless a charge of delinquency is transferred for criminal prosecution under Section 31, (Transfer to the adult criminal court for trial), or the court otherwise orders in the interests of the child or of national security, such records and files with respect to such child shall not be open to public inspection nor their contents disclosed to the public.

(b) Inspection of such records and files is permitted by the following:

(1) a family court having the child currently before it in any proceeding;

(2) the officers of public and nongovernmental institutions or agencies to which the child is currently committed, and those responsible for his supervision after release;

(3) any other person, agency, or institution by order of the court, having a legitimate interest in the case or in the work of the law enforcement agency;

(4) law enforcement officers of other jurisdictions when necessary for the discharge of their current official duties;

(5) a court in which he is convicted of a criminal offense for the purpose of a presentence report or other dispositional proceedings, or by officials of penal institutions and other penal facilities to which he is committed, or by a parole board in considering his parole or discharge or in exercising supervision over him; and

(6) the parent, guardian or other custodian and counsel for the child.

(c) Whoever, except as provided by this section, discloses or makes use of or knowingly permits the use of information concerning a juvenile known to the police, directly or indirectly derived from police records or files or acquired in the course of official duties, upon conviction thereof shall be guilty of a misdemeanor.

#### Investigation of Juvenile Cases

Investigations concerning juveniles should be conducted in an atmosphere of privacy, in appropriate settings, and with all of the necessary rights and privileges given to juveniles as are afforded in adult cases. Especially important is the right to, and provision of legal counsel. Civil rights laws and the decisions of the United States Supreme Court make such treatment mandatory.

Law enforcement officers, particularly juvenile specialists, should treat every juvenile case subject without any pre-conceived notions of deserved punishment. The legal definition of the crime itself should *not always* serve as a bar to diversion, even in some felony cases. The basic consideration of the safety of the public may often require immediate arrest and court referral. But, where the public safety or the safety of the youth is *not* the prime consideration, such other factors as age, behavior patterns, amenability toward re-direction, family support/cooperation and victimless crime, could be considered for arriving at the final disposition.

Reliance by officers on a youth's "previous history or record" can sometimes cloud the investigational or dispositional process. Previous records of juvenile cases which have not been sealed or purged from the files may contain unsubstantiated reports or charges which can weaken rather than reinforce a current case against a juvenile, and should *not* be utilized.

#### Law Enforcement Discretionary Practices

Some law enforcement juvenile units operate on a very clearly-defined basis regarding criteria for diversion from the juvenile courts, and in the use of discretion.

Others are seemingly without departmental guides, direction or policy. In such units, staff assigned are likely to handle juvenile cases on a purely personal basis. If the officer is preven-

tion-oriented, the use of discretion is possible. If there is no firm departmental policy regarding diversion or guidelines for the handling of cases, the officer may be more likely to refer to the juvenile court than not. Young people who are handled by such units and staff run the risk of being referred to the juvenile courts more frequently than youth handled by agencies which operate with clear-cut policies and guidelines.

Law enforcement agencies should prepare and disseminate written guidelines and procedural manuals for their personnel in the handling of juvenile cases. Variations among agencies in their practices concerning arrest, detention and referral to the juvenile courts are directly attributable to this lack of standardized procedure and obviously account for the high percentage of inappropriate cases sent to the juvenile courts.

All law enforcement officers should be trained and made aware of their departmental policies regarding the handling of juveniles and the use of discretion.

Discretion should be practiced on an equal basis for all youth, without regard to race, color, creed, sex, economic status, influence or personal appearance. A youth's attitude to the investigating officer, which will vary with the style and attitude of the officer in each case, should not be highlighted by the investigator. Young people will react in different ways during periods of stress, and first appearances are often deceiving.

A study by Piliavin and Briar,<sup>6</sup> documented the fact that law enforcement personnel tend to hold for court and/or securely detain certain youth on the basis of their "attitudes." Attitude factors included surliness, lack of respect, talking back to the officer, the use of curse words, etc. Other factors frequently considered were mode of dress, residence in the poorer sections of the city, hair styles, etc. The result of such a process is that a sophisticated youth, by showing his "best side" or apparent remorse for his involvement, could deceive the officer into making a favorable disposition in the case (outright release or citation to court) even though the facts of the case itself might warrant a referral to court, or secure custody pending court hearing. The youth with a negative attitude, on the other hand, was likely to wind up in the juvenile court, even though a more appropriate disposition could be referral to an alternative service in the community.

## Detention Practices

The right to detain is tantamount to the right to imprison or otherwise to deprive another of his or her liberty. This right is usually reserved by States to the courts alone. In far too many instances the decision for secure custody or detention is based upon arbitrary judgement. The malpractice of detention is prevalent where specific law enforcement-court guidelines are absent, or where the juvenile court detention responsibility has been abrogated by design or common practice.

When an officer arrests a juvenile for just cause, the decision to apply for secure custody or detention must remain a judgmental value on the officer's part, based upon the results of the investigation which follows. The departmental policy regarding the recommendation however, should be based *solely* on two criteria:

1. When the youth in custody is legally wanted by other authorities, such as an escapee from an institution or from probation/parole.
2. When the youth in custody is a *definite* danger to the public safety, and his or her release would pose a threat to that safety.

In all other instances, when the decision is made to send juveniles in custody to the court, the youth may properly be released to parents, guardians, responsible relatives, etc., who will be held accountable for the youth's later appearance in court. This process (commonly referred to as "citation") has many advantages, and should be encouraged.

When secure custody or detention is required, pursuant to these Guides, the investigating officer should notify the juvenile court judge (or the person(s) designated by the judge as detention intake for the court) of the facts of the case at issue, and request permission to deliver the youth to the designated facility for temporary, secure custody. Section 19(b) (4) of the Model Acts for Family Courts and State/Local Children's Programs states:

### Section 19. RELEASE: REFERRAL OR DELIVERY OF CHILD

(b) A person taking a child into custody pursuant to the provision of subsection (2) and (3) of Section 18 (FOR A DELINQUENT ACT PURSUANT TO THE LAWS OF ARREST) shall, with all possible speed, and in accordance with the provisions of this Act and the rules of court pursuant thereto:

(4) if not released, bring the child to the Intake Office of probation services or deliver the child to a place of detention or shelter care designated by the department and, in the most expeditious manner possible, give notice of the action taken, together with a statement of the reasons for taking the child into custody, in writing, to the intake office, to the court, and orally and in writing to the parent, guardian or other custodian of the child.

When the youth is delivered to the designated facility a full report of the incident causing the request for detention should accompany the youth for the attention of the designated detention intake officer of the facility. The final decision to detain or not to detain *must* remain with the detention intake officer.

Youth who pose a danger to themselves, such as those mentally deranged or those with suicidal tendencies, do NOT belong in jails, but should be placed in hospitals, mental health, or shelter-care facilities where necessary medical attention is available.

Law enforcement agencies should prepare and include in their procedural manuals guidelines for their personnel concerning action to be followed when the decision is made that a youth in custody is to be referred to the juvenile court.

Rules governing detention and shelter care procedures should be worked out in accordance with guidelines mutually agreed upon by the law enforcement and juvenile court/detention intake personnel concerned, and be made part of the "working agreements" discussed in the next section.

### Working Agreements with Other Youth-Serving Agencies

Law enforcement agencies should require their juvenile staff to catalog and maintain up-to-date files and contacts with the community's major, active youth-serving agencies—private as well as public.

This practice would facilitate the referral of juvenile cases to community-based care when the facts of the case would warrant such referral.

Juvenile staff should be required to periodically call upon the youth-serving agencies in their districts to continue personal contact with key staff in these agencies, and to help establish and maintain rapport. Experience has shown that informal contacts sometimes pave the way for the establishment of effective formal work-

ing agreements between law enforcement and youth-serving bodies. Such contacts also assist staff in procuring needed services for youth outside of the traditional juvenile justice system.

Juvenile division commanders or appropriate staff in the department should be given the authority by the Departmental head, or other necessary local authority as required by law, to participate in the development of formal agreements with the community youth-serving agencies (particularly with juvenile court intake units, youth service bureaus and probation departments) with regard to the handling and disposition of juvenile cases.

When, after due consideration, procedures for operation have been agreed upon by all of the parties concerned, formal agreements should be reduced to writing. The roles, tasks and functions of each party to the agreement should be carefully spelled out. When this is done, the appropriate departmental officer or local official should be empowered to sign necessary documents in relation to the implementation of the agreements.

All parties should be required to furnish their respective personnel with up-to-date, loose-leaf procedural manuals which define their operations. Periodic meetings should be held by all of the parties to the agreement to bring to light and resolve any difficulties encountered in the performance or requirement of the parties, and to update or amend practices if necessary. Changes necessitated by these reviews must be recorded and made available to all respective personnel, in writing, for inclusion in procedural manuals.

### Availability of Community-based Activities

In many locales, the presence of community-based alternatives to the juvenile justice system act to increase diversion at both the law enforcement and juvenile court intake levels. This is particularly significant in those areas where on-going youth services systems and/or youth services bureaus have established alternatives which make it expedient for the police and the courts to refer their cases—especially non-criminal offenses.

In practice, law enforcement agencies do support diversionary efforts. However, strong working agreements among cooperating agencies; flexible written guidelines; and above all, enabling legislation mandating diversion, are essential for institutionalizing the procedures.

Referrals to community-based alternatives to the juvenile court must be *preceded* by the consent of the juvenile and his or her parents/guardians. Law enforcement officers should *not* use diversion to community-based services as a form of sanction against youth or their parents/guardians.

### Inappropriate Referrals

#### Status Offenses

It has been estimated that almost 40% of all cases handled by the juvenile courts are "status" cases, i.e., those type of offenses which are criminal *only* for youth, but which are not crimes when committed by adults. These include truancy, running away from home, curfew violations, ungovernability, smoking, drinking, etc.

Status offenses succeed only in cluttering juvenile court calendars and take a heavy toll of the time of court personnel which could better be spent in handling the court's more serious youth delinquency cases.

Law enforcement agencies are, to a large extent, the prime source of referral of status offenses to the juvenile courts. Frequently, this practice is necessitated by the paucity of community-based alternatives, the provision of State juvenile codes, or both. The Model Acts for Family Courts and State-Local Children's Programs require alternative services for youth who are status offenders.

Law enforcement agencies can achieve a giant step forward in youth development by initiating local restraint in the referral of status offenses to the juvenile courts.

#### Neglected Children

The Model Acts for Family Courts and State/Local Children's Programs, Part I, Sec. 2, under "Definitions," defines a neglected child as one:

- 1) who has been abandoned by his parents, guardian, or other custodian;
- 2) who is physically abused by his parents, guardian, or other custodian or who is without proper parental care and control necessary for his well-being because of the faults or habits of his parents, guardian, or other custodian or their neglect or refusal, when able to do so, to provide them; or
- 3) whose parents, guardian or other custodian are unable to discharge their responsibilities to and for the child; or

4) who has been placed for care or adoption in violation of law; and

5) in any of the foregoing is in need of care or supervision.

(The term "dependent" child is *not* used. It is believed that the financial ability of parents to care for their children should not be a factor in removing them from their homes. In this definition, abused children are included in #2, supra.)

Many law enforcement agencies are still involved in the responsibility for, and the handling of, cases concerning neglected children.

A neglected child, however, is often a victim of family and/or social failure. Detailed investigations of child neglect require a consideration of many deep-seated social factors that go beyond the competencies of most law enforcement officers. For this reason, the full investigation of neglect cases should be handled by trained staff of the community's designated child protective agency.

Law enforcement agencies usually become involved in neglect cases by virtue of the fact that they are the first public agency called when the safety of children is endangered. When an allegation of child neglect is received, it may become the duty of the law enforcement agency to preliminarily investigate the circumstances. If warranted, the child protective agency should be immediately notified of the facts, and the case referred to that authority for further handling.

During this period, if it becomes necessary to remove a child from a dangerous environment, child victims of neglect should NOT be placed in any jail or detention facility used for delinquents. The law enforcement agency could cooperate by delivering the child to a designated shelter-care facility, if required. In cases initiated by the child protective agency, officers could be assigned to *assist* the personnel of the protective agency, when requested, in lawfully removing children from dangerous environments.

Procedural manuals should contain guidelines which, when augmented by local working agreements with the designated community protective agency, require personnel to refer cases involving neglected children to the child protective agency for necessary care and action.

### Inappropriate Functions

Some law enforcement agencies and staff are still engaging in services for youth which are inappropriate. These include such tasks as un-

official probation, casework supervision, on-going counseling\* and the administration of recreational activities.

### Unofficial Probation, Casework Supervision and On-Going Counseling

Unofficial probation is the process by which some juvenile officers require youth who have not been referred to the juvenile court for a violation of law to report regularly to the law enforcement officer at the police station or elsewhere, on a pre-scheduled basis. Generally, the juvenile reports on his activities since the last visit was made, and receives encouragement/admonition/advice, (as warranted), from the officer. In some departments, the youth is not required to report regularly, but the assigned officer indicates that the department is supervising the case.

This process is not only an inappropriate function for law enforcement, but can be, on its face, a coercive sanction applied without due process of law.

Official or unofficial probation is not a law enforcement function.

The International Association of Chiefs of Police takes the position that law enforcement officers should *not* engage in official or unofficial probation, nor in on-going counseling.<sup>7</sup> The provision of case work supervision by law enforcement officers is closely akin to unofficial probation or on-going counseling, and is likewise an inappropriate function.

### Recreational Administration

Many law enforcement agencies assign officers to administer diverse recreational activities for youth under the auspices or sponsorship of the department. While there is no compelling argument for prohibiting law enforcement to encourage such programs, (it is even conceded that the programs may assist the department in building good police-juvenile relations) it is nonetheless inappropriate for law enforcement officers to be officially assigned as recreational administrators

\*The handling of youth in trouble with the law requires investigatory techniques and subsequent advice or referral by the officer which could, semantically, be called "counseling." The authors do not suggest that this type of handling is the same as the giving of continuing services in counseling, nor do they suggest that this interview and referral process is inappropriate for law enforcement juvenile officers.

or counselors, on a paid basis, *as part of their official duties.*\*

Recreational activities and resources are part and parcel of the services provided its citizens by most communities. However, when they are offered, the community owes it to its citizens to also provide competent, professional personnel to supervise the activities offered.

When a law enforcement agency engages in sponsoring youth recreational programs for the community's youth, these programs, too, should be administered by paid, competent and professional civilian personnel.

Individual law enforcement officers who are competent recreational or sports instructors could be encouraged to *volunteer* their services *on their off-duty hours*. Further, law enforcement officers should *not* be used to solicit funds from the public for the support of the community's or department's recreational programs, as

such a practice could lead to conflictory roles in enforcing the laws. (See Kobetz, op. cit., *THE POLICE ROLE AND JUVENILE DELINQUENCY*, pp. 137-8, for a fuller discussion of this subject).

Law enforcement agencies should not generally undertake the provision of services which are inappropriate to their basic missions.

An important function of the juvenile specialist is the referral of youth who require services to those public and/or private agencies which provide them professionally. If a given community does not possess the services required by youth, it becomes incumbent upon the law enforcement agency to bring the deficiency to light. To do otherwise merely delays the day when the community itself will assume its responsibilities for youth, and serves only to dilute law enforcement manpower in the performance of its other necessary and more appropriate tasks.

\*The operation of educational police-juvenile relations programs, such as riding with an officer in a patrol car, visits to police headquarters, teenagers patrolling their neighborhoods, etc., are *not* considered by the authors as constituting recreational activities, nor is there any objection to police involvement in such activities.

### CHAPTER III

## ORGANIZATION AND ADMINISTRATION FOR JUVENILE SPECIALIZATION

Law enforcement agencies, while generally consistent nationwide in terms of mission, vary widely in regard to their handling of juvenile cases.

There are noteworthy differences in such aspects as specialization for work with juveniles, the size of the juvenile unit or division, the autonomy of the unit or division in the agency's hierarchical structure, hours of operation of the unit, and the assignment and training of personnel.

#### Specialization for Work with Juveniles

When one considers that youth under 18 years of age were involved in 31% of the total arrests for serious crimes,<sup>8</sup> the need for the adequate assignment of police manpower and resources in juvenile work becomes accented.

Almost all of the large law enforcement agencies, and even most of the medium-sized agencies, are structured for specialization in juvenile work. Many small-sized departments (those containing fewer than 15 sworn officers) have also assigned personnel and resources to handle juvenile cases.

The National Advisory Commission on Criminal Justice Standards and Goals,<sup>9</sup> suggests that every police agency having more than 15 employees should establish juvenile investigation capabilities and that agencies having more than 75 employees should establish juvenile investigation units.

In the opinion of many authorities in the field,<sup>10</sup> every law enforcement agency, regardless of size, should have at least one officer who devotes all or part of his time to responsibilities for handling complaints and cases affecting juveniles.

#### Size of the Juvenile Unit or Division

There exists no patent formula for the assignment of officers to juvenile work. The Interna-

tional Association of Chiefs of Police<sup>11</sup> has ascertained that the number of law enforcement juvenile officers per 100 officers is 2.7% (out of a total of departments with a combined number of 202,877 officers).

Since the amount of work will differ with each department, the size of the unit will necessarily depend upon the volume and intensity of the investigations conducted by the unit.

The concept of operations, however, is the same for all law enforcement juvenile units, regardless of size. Large as well as small units essentially perform the same kinds of work, particularly if the unit is committed to delinquency "prevention." Experience over a given period of time will enable agency heads to determine the manpower needs of their juvenile units.

Agency heads must consider many factors in their decisions to establish juvenile units or divisions. While the prevailing factor will remain the cost of the operation in terms of manpower and resources required, such other factors as the extent of juvenile involvement in crime in the community, public demand, and the entire departmental philosophy regarding specialization of any kind, must also be considered.

Where the decision is made for specialized juvenile units or divisions, the result must be more than mere tokenism. Adequate manpower and resources must be allocated, and serious thought given to the placement of the unit in the departmental hierarchy. (See following sections on Placement of the Juvenile Unit in the Departmental Hierarchy and Autonomy of the Juvenile Unit).

There does not appear to be any correlation between the size of a given juvenile unit or division and its effectiveness. Equally important is the philosophy and orientation of the unit itself in regard to crime prevention.

The staff of the juvenile unit should be dedicated in high degree toward crime prevention rather than to high scores for juvenile

arrests. The gauge of efficiency should not be the number of delinquency adjudications attained, but rather the number of youth "deterred" from serious criminal careers.

The juvenile specialist should be concerned with how many youth were diverted from the courts, particularly for status offenses; how many boys and girls were stopped from truanting school; how many home adjustments were achieved by talking to parents, guardians, counselors; how many cases were closed by referral to social/welfare agencies, and how many young people were successfully interested in lawful pursuits as a substitute for aberrant behavior.

#### Placement of the Juvenile Unit in the Hierarchical Organization

There is a great variance in the operational placement of juvenile units and divisions in law enforcement agencies.

It is difficult to ascertain why they appear so frequently under the aegis of the department's Detective Division. One explanation is that the rank of "detective" carries with it additional compensation in many departments, and juvenile specialists can, therefore, be financially rewarded.

While there is no compelling argument against giving juvenile specialists salaries commensurate with specialist functions, the placement of the unit in the detective division is contrary to the recommendations of the President's Commission on Law Enforcement and Administration of Justice in its "Task Force Report on Police."<sup>12</sup> Here, the juvenile unit is suggested as an autonomous operational division on a line level with such other divisions as Patrol, Traffic, Detective and Vice.

Detective divisions have a very definite and vital place in police organizations. Very few law enforcement agencies could operate efficiently without a well-trained and competent investigative arm. One danger in placing the juvenile unit within the detective division is that, for the most part, detective functions are "clearance" oriented, i.e., the primary duty is to make arrests for crimes reported. The juvenile unit, on the other hand, is, or should be, concerned more with prevention activities and the screening of appropriate cases from the juvenile justice system. Placement of the unit within a detective division could result in a conflict of philosophy. While it is conceded that prevention activities

could be carried on under the aegis of a detective division, what is most necessary for any unit, regardless of where it is placed in the hierarchical structure of the agency, are guides and criteria for screening and diversion in appropriate cases.

#### Autonomy of the Juvenile Unit or Division

The autonomy of the juvenile unit or division sets the stage for how the unit will operate, how it sees its functions, how assigned staff view their tasks, and how other departmental units or divisions view and treat it.

Juvenile units which do not enjoy autonomous status are subject to many abuses from within the department organization. For example, some units are saddled with extraneous and inappropriate functions. These include bicycle registrations (more appropriately a function for the Traffic Division or perhaps the Property Bureau); missing persons reports for all ages of people (more appropriately a function for the Detective Division); the investigation of all sex cases, regardless of the age of the victim or perpetrator (more appropriately a function for the Detective Division or even the Vice Division), and the service of administrative code violations, (a civil code process)—a function *totally* inappropriate to law enforcement!

Some juvenile units which are placed *within* other major operational units enjoy less prestige than the parent unit themselves. Staff in these units are sometimes referred to by other officers as "kiddy cops," "the lollypop squad" and in other far more derogatory terms. While no effort has been made to evaluate the psychological impact, if any, on the officers, or its effect upon their work, it is readily discernible that some of them are embarrassed and often irate about their status and function in the eyes of other officers.

The lack of autonomy has other disadvantages, not the least of which is the "raiding" of personnel in times of need by the parent unit as well as by other major divisions. In view of the heavy involvement of young people in crime and delinquency, such action is short-sighted.

Some of the advantages that could accrue to an autonomous unit include:

(1) Direct access to the Chief for the receipt of instructions and orders, and the direct transmittal to him of the status of the department's activity with youth in the community;

(2) A direct chain-of-command to and from the unit's commander and subordinates, in conformance with the most accepted standards of organizational management, and

(3) The improved status and prestige of unit staff in their own views as well as in the eyes of other specialist personnel.

For these reasons, it is recommended that law enforcement agencies which include juvenile units in their hierarchical structure, place these units on a line level with other major departmental operational units.

#### Hours of Operation for the Juvenile Unit

Young people are most likely to get into trouble with the law during their free hours—after school, holidays, and weekends. It is therefore, imperative that law enforcement and other legally mandated services for youth be available at all times, especially during peak hours.

Juvenile units must be manned with sufficient personnel in accordance with needs, 24-hours-a-day, seven days a week. In small agencies, off-duty specialists could be on call. Departmental procedural manuals should be available and kept up-to-date so that, if necessary, other members of the department can be properly guided in handling juvenile cases that arise when specialist staff are unavailable.

Units which fail to provide services other than from 9:00 A.M. to 5:00 P.M., Mondays through Fridays (except holidays) are short-changing the youth of their communities. Experience over a given period of time will assist juvenile unit commanders to schedule staff in accordance with requirements.

#### Assignment and Training of Personnel in the Juvenile Unit

Officers selected for assignment to juvenile units or divisions should be carefully screened. Criteria for selection should not be based on favoritism or partisanship, but rather on ability. Officers should be assigned by the Chief of the department with the consent of the unit commander. Assignment to the unit initially should be on a detail basis rather than permanently. The detail should be contingent on the officer's efficiency ratings and ability to perform satisfactorily. Officers who do not measure up to

accepted standards should be reassigned to other duties in the department.

The basis for assignment should be

##### 1. Empathy

Empathy or understanding is a vital ingredient for a law enforcement juvenile specialist, if he or she is to be able to reach out to young people and relate to their needs.

Officers must be able to understand what young people think and feel; why their value systems sometimes seem "to clash with establishment values; and particularly, why they sometimes appear to be alienated toward others in society. Most importantly, juvenile specialists have to "like" young people and enjoy working with them.

By the very nature of their work, personnel in the juvenile justice system must make every effort to understand those whose behavior appears different from accepted norms. The assignment of officers of the same ethnic backgrounds as those troublesome youth in high delinquency areas, or even the assignment of officers who have a deep understanding of community problems and who speak the predominant language(s) of the area, goes a long way toward improving police-community relations.

##### 2. Education and Training

Ideally, *every* law enforcement officer should be specially trained for work with juveniles. Uniformed patrol officers are generally any agency's *first* contact with youthful offenders. Wattenberg and Bufe,<sup>13</sup> have documented the fact that the first contact a youth has with a law enforcement officer can set the stage for success or failure as far as future violations are concerned. Every law enforcement officer should receive at least 20 hours of instruction on juvenile procedures, concepts and philosophies, as part of a State's mandated basic training program. In addition, periodic in-service training—suggested at 40 hours per year, per officer<sup>14</sup>—should include intermediate and advanced courses in police-juvenile work.

Law enforcement juvenile specialists should be required to receive additional specialized training in such subjects as juvenile law, procedures, concepts, and developmental psychology of adolescence. They should be required to attend, at Departmental expense, institutes and seminars on police work with juveniles which are recognized by competent educational authorities.

The work of assigned personnel should be reviewed periodically by the department chief and the unit's commander as a basis for the decision on the continuation of the assignment. If the departmental policy is to reward specialists with extra compensation, juvenile specialists should be included in this category.

Preference for assignment to the juvenile unit could be given to officers with college degrees or those who have completed course work in the behavioral sciences. In addition, those who have completed attendance at institutes and seminars on police work with juveniles should be considered in making assignments. Preference could also be given to those with previous experience in such occupations as social work, big brothers/sisters, scouting, boys/girls clubs, social service volunteers, and the like.

### 3. Experience in Law Enforcement

The value to a law enforcement agency in the assignment of personnel to any specialist

function is enhanced when selected officers possess experience in general law enforcement duties.

In the realm of juvenile specialization, it is important for officers to possess specific information on such things as high delinquency areas, available youth resources, the composition of anti-social youth gangs and the modus operandi of youth-involved crimes. This knowledge, together with experience in handling family disputes, youth conflicts, complaints by victims of criminal offenses and good police-public relations enhances a juvenile officer's value. For these reasons, it is recommended that law enforcement officers have at least one year's experience in general patrol before they are considered for assignment to the juvenile unit or division.

## CHAPTER IV SUMMARY OF GUIDES FOR LAW ENFORCEMENT SCREENING OF JUVENILE CASES

1. Where conditions and availability of personnel warrant, law enforcement agencies should establish and maintain juvenile control units or divisions. In small agencies, at least one officer who devotes all or part of his time to the handling of complaints and cases affecting juveniles should be assigned. (see p. 11)

2. All sworn personnel in law enforcement agencies should receive at least 20 hours of basic training in the concepts and philosophy of enlightened law enforcement work with juveniles, and in the procedures for the handling of juvenile cases. Mandatory in-service training should include intermediate and advanced course work in these subjects. (see p. 13)

3. Personnel assigned to juvenile divisions should be selected on the basis of their empathy, education and experience/training for this work. Juvenile specialists should be required to receive additional intermediate and advanced training, suggested at 40 hours per year, per officer, in appropriate subjects. (see pp. 13-14)

4. Initial assignment to the juvenile unit or division should be on a detail basis and the caliber of work performed should be the basis for the continuation of the assignment. (see p. 13)

5. Where established, juvenile divisions should be in operation seven days-a-week, 24 hours-a-day. In smaller departments, staff could be "on call" if not actually present. Extra staff should be assigned at necessary peak hours. (see p. 13)

6. Law enforcement agencies should prepare and disseminate procedural manuals to all sworn personnel containing explicit guidelines for the handling of juvenile cases, especially with respect to field dispositions, follow-up requests, detention and diversion from the juvenile courts. Procedural manuals should be periodically revised and up-dated. (see pp. 5, 6, 7)

7. Law enforcement juvenile divisions should be required to catalog and maintain

up-to-date records of, and contacts in, the major, active community-based youth-serving agencies. Such a procedure will facilitate the referral of appropriate juvenile cases. (see p. 6)

8. Law enforcement agencies should enter into formal and informal agreements with major, active youth-serving agencies, which delineate the action to be taken in handling and referring juvenile cases. Agreements resulting in formalized procedures should be incorporated into the departmental procedural manuals. (see p. 7)

9. Law enforcement agencies should encourage and train their personnel to practice the diversion of appropriate cases from the juvenile courts to community-based alternatives. Diversion to community-based alternatives should be preceded by the consent of the juvenile and his or her parents/guardians. Diversion should not be used as a form of sanction. (see p. 7)

10. Juvenile records on file in a law enforcement agency's juvenile division, or elsewhere, should be periodically sealed and purged, if appropriate. Juvenile records should be made available only to those with a need-to-know status, pursuant to law. (see p. 4)

11. The investigation of juvenile cases should be conducted in an atmosphere of privacy, with all of the constitutional rights and safeguards given to juveniles as are afforded in adult cases, especially the right to and provision of legal counsel. (see p. 5)

12. The practice of discretion by law enforcement officers in juvenile cases should be authorized by law. Discretion should be practiced on an equal basis for all youth, regardless of race, color, creed, sex, economic status, influence, etc. Guidelines for the use of discretion should be included in departmental procedural manuals. (see p. 5)

13. In the practice of discretion, law enforcement officers should consider each juvenile case on an individual basis. Reliance on a youth's previous history or record should be decelerated

when other factors in the background of the case could shed some light in arriving at an equitable disposition. (see p. 5)

14. The main criteria for the recommendation of secure custody or detention in juvenile cases should be. 1) the youth is legally wanted by other authorities, 2) the youth is a danger to the public safety. The practice of "citation" to court at a later date should be encouraged in appropriate cases. (see p. 6)

15. Law enforcement officers should not be swayed by personal bias in the process of determining the disposition of juvenile cases. The imposition of sanctions is *not* a police function, and should be left to the courts to determine. (see p. 5)

16. Law enforcement agencies and their juvenile staff should, where possible, refrain from referring status offenses and neglected childrens' cases to the juvenile courts, particularly when other alternatives are available. When alternatives are not available, the agency heads should highlight the need for these alternatives to the appropriate local authorities. (see pp. 7-8)

17. Law enforcement officers should not engage in the practice of informal probation, casework supervision, on-going counseling or recreational administration. (see pp. 8-9)

18. Juvenile units or divisions in law enforcement agencies should be structured as autonomous operational divisions, on a line level with other major operating units. (see p. 13)

REFERENCES

1. *Model Acts for Family Courts and State-Local Children's Programs*, U.S. Department of Health, Education, and Welfare, Office of Youth Development, U.S. Government Printing Office, Washington, D.C. 20402, (1974), (hereinafter referred to as the *Model Acts*.)
2. Kelly, Clarence M. *Crime in the United States, Uniform Crime Reports*, U.S. Department of Justice, Federal Bureau of Investigation, U.S. Government Printing Office, Washington, D.C. 20402, (1973)
3. Myren, Richard A. and Swanson, Lynn D. *Police Work with Children*, U.S. Department of Health, Education, and Welfare, Welfare Administration, U. S. Government Printing Office, Washington, D.C. 20402, (1962), and now out of print; *Challenge of Crime in a Free Society*, President's Commission on Law Enforcement and Administration of Justice, U.S. Government Printing Office, Washington, D.C. 20402, (1967), and its companion work, *Task Force Report on Police*, and *Report on Police*, Standard 9.5, "Juvenile Operations," National Advisory Commission on Criminal Justice Standards and Goals, U.S. Department of Justice, Law Enforcement Assistance Administration, U.S. Government Printing Office, Washington, D.C. 20402, (1973) pp. 221-24.
4. *Model Acts, op. cit.*
5. *Ibid.*, Part II
6. Piliavin, Irving M. and Briar, Scott, "Police Encounters with Juveniles," *American Journal of Sociology*, 70:206-14, September, 1964.
7. Kobetz, Richard W. *THE POLICE ROLE AND JUVENILE DELINQUENCY*, Professional Standards Division, International Association of Chiefs of Police, Gaithersburg, Maryland 20760, (1971), p. 130.
8. *Uniform Crime Reports, op. cit.* p. 30.
9. *Report on Police, Standard 9.5 op. cit.*
10. *Police Work with Children, op. cit.*
11. Kobetz, Richard W., *op. cit.*, Table #7, (p. 55).
12. *Task Force Report on Police, op. cit.*, p. 47.
13. Wattenberg, William W. and Noel Bufe, "The Effectiveness of Youth Bureau Officers," *Journal of Criminal Law, Criminology, and Police Science*, December 1963, pp. 470-75.
14. *Challenge of Crime in a Free Society, op. cit.*

TABLE I  
LAW ENFORCEMENT INTAKE DECISIONS AND DISPOSITIONS

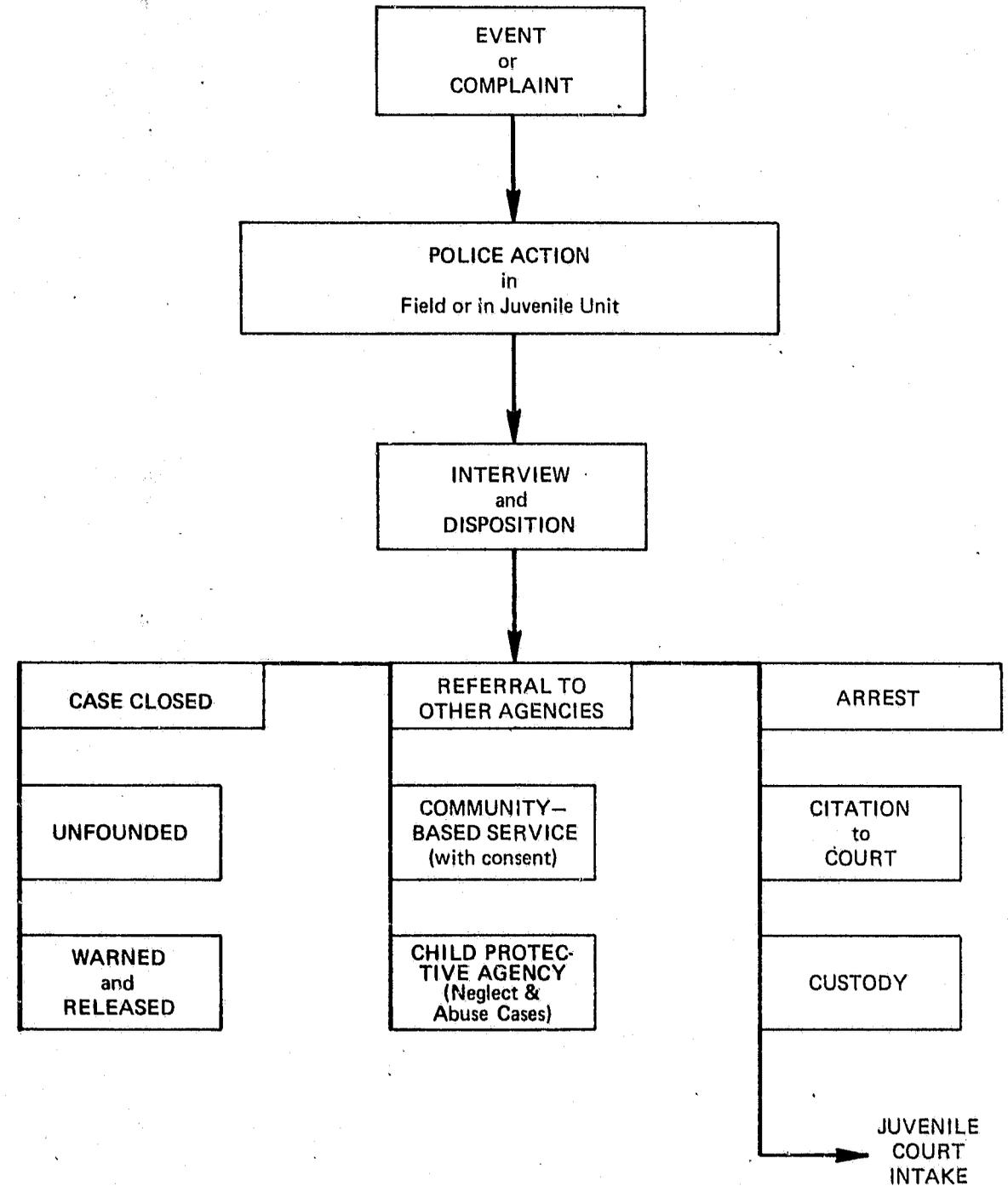
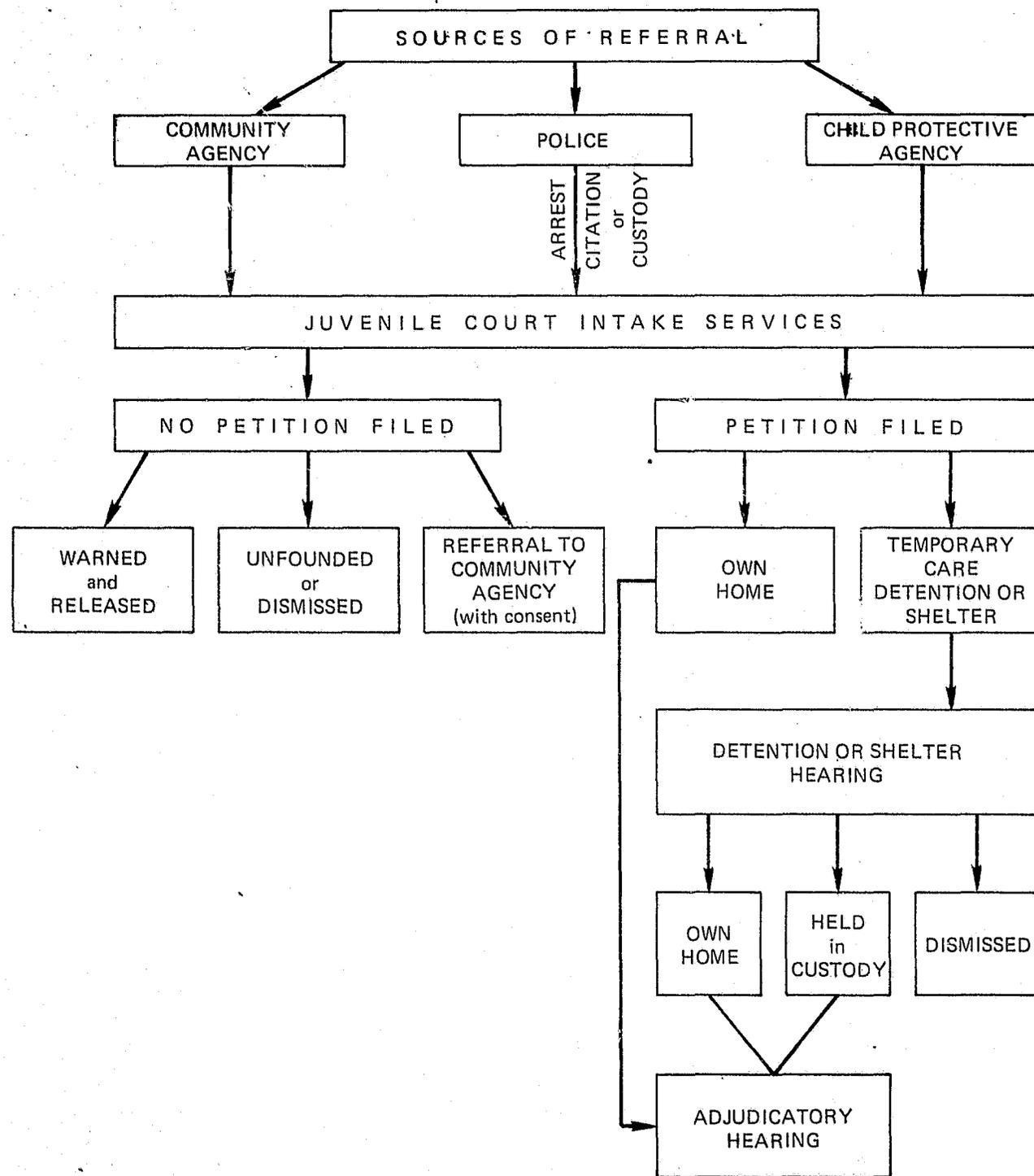


TABLE II

JUVENILE COURT INTAKE DECISIONS AND DISPOSITIONS



PART II

JUVENILE COURT INTAKE SERVICES

CHAPTER V

JUVENILE COURT INTAKE

A prominent Juvenile Court Judge has described juvenile court intake as a unique and valuable tool.

"Intake is a permissive tool of potentially great value to the juvenile court. It is unique because it permits the court to screen its own intake not just on jurisdictional grounds, but, within some limits, upon social grounds as well. It can cull out cases which should not be dignified with further court process. It can save the court from subsequent time-consuming procedures to dismiss a case. It provides an immediate test of jurisdiction at the first presentation of a case. It ferrets out the contested matters in the beginning and gives the opportunity for laying down guidelines for appointment of counsel and stopping all social investigation and reporting until the contested issues of fact have been adjudicated. It provides machinery for referral of cases to other agencies when appropriate and beneficial to the child. It gives the court an early opportunity to discover the attitudes of the child, the parents, the police, and any other referral sources. It is a real help in controlling the court's caseload, because it operates in the sensitive area of direct confrontation with the police, the school and other community agencies, intake can make or break the community's good communication with and understanding of the juvenile court's role."<sup>1</sup>

The fact is, however, the intake process of the juvenile court varies extensively throughout the Nation.

In some communities it is a perfunctory service handled by staff who do little more than receive and log complaints and police reports for further processing in the court.

Some courts do not recognize the need for intake service and as a result authorize the filing of petitions in virtually all cases coming to the court's attention.

Yet, despite these variances, most juvenile courts identify intake services as a necessary and vital service. Although there is general agreement on the need for an intake service, practices among intake workers reveal there is no agreement on how the service should be performed or how decisions should be made. There are no standards or guidelines in the field except for the recently published reports on the National Advisory Commission on Criminal Justice Standards and Goals.

The report on Corrections of the National Advisory Commission includes standards for Juvenile Intake Services.<sup>2</sup> While these standards are a welcome beginning toward national leadership for improved intake practices, the subject is addressed in a generalized manner and does not include a number of specific intake determinations and procedures which are included in this publication.

Legal Basis for the Intake Process

The concept of intake through some sort of preliminary review by staff providing intake services for the juvenile court has gained wide acceptance. Most State juvenile codes, the

Standard Juvenile Courts Acts, and the more recent HEW Model Acts for Family Courts and State-Local Children's Programs provide for a preliminary inquiry to determine whether the interests of the public or of the child require that future action be taken.

"Complaints alleging delinquency or neglect shall be referred to the intake office of probation services. The intake office shall conduct a preliminary inquiry to determine whether the best interest of the child or of the public require that a petition be filed. If judicial action appears necessary the intake office may recommend the filing of a petition, provided however, that all petitions shall be prepared and countersigned by the prosecutor before they are filed with the court. Decisions of the prosecutor on whether to file a petition shall be final."<sup>3</sup>

The preliminary inquiry or review, in practice, is interpreted in a variety of ways by juvenile courts and probation departments. In some intake offices the preliminary inquiry assumes all the elements of a criminal investigation. Intake workers gather evidence, conduct interrogations, question witnesses and make field visits.

Such activity should not be performed by intake staff because it is an inappropriate function and places the intake worker in an adversary role.

Therefore, it is essential that intake workers refer complaints requiring further investigation to an agency having statutory powers and responsibility to investigate such complaints and

recommend the filing of a petition, where such action is deemed necessary. Final responsibility for determining the validity of the complaint and sufficiency of the evidence rests with the prosecutor, who should countersign all petitions and present the evidence at the court hearing.

The preliminary inquiry is difficult to distinguish from a social study in some instances. Intake workers develop a family history probing the causative factors for a youth's behavior. They review school records and examine environmental and economic conditions for clues to the alleged anti-social behavior. Such actions before the court has held a hearing on the facts of the case is clearly an invasion of privacy. The nature of the inquiry has been clearly described:

"Juvenile Court intake process is a screening mechanism. It is essentially an office and not a field process. Rather than a preliminary inquiry or investigation, it is more in the nature of a review or evaluation of information which should be supplied by the person or agency seeking to file a petition. It can and should be an expeditious process. Exposure of children and families to a long period of uncertainty as to what is going to happen may, for many, increase tension and anxiety. For younger children, delay makes it difficult to relate to court experience to an incident which may have happened weeks before. For those in detention, delay may be a damaging experience as well as the imposition of an unnecessary economic burden upon the community."<sup>4</sup>

## CHAPTER VI

### INTAKE DETERMINATIONS AND PROCEDURES

#### Screening Practices

The nature and extent of processing varies extensively among juvenile court intake units particularly in the area of decision-making. Intake practices range from little or no screening to extensive screening and referral. Overall, the screening is generally inadequate. Large numbers of youth are still being funneled into the court for minor crimes or status offenses. (Status offenders, as used here, include all children and youth coming before the juvenile court for conduct which would not be criminal if committed by an adult. This includes children who are alleged ungovernable or beyond the control of their parents or guardian, children who are truant or runaways, as well as those who violate ordinances, regulations or statutes which are applicable to children only, such as curfew violations, the illegal use of alcohol and tobacco or attendance at activities or functions from which children are excluded by law.)

Many youth are brought to the attention of the police and the juvenile court because no community resources are available to address the special needs of acting-out children and youth, or because such resources—when available—are not utilized. This creates more problems than it solves. When intake personnel accept these referrals for further service in the overburdened justice system they create an illusion of services, thereby allowing the community to feel comfortable that someone has taken care of the situation.

#### Initial Contact

The initial involvement of juvenile court intake begins with the receipt of a written complaint alleging that an offense or condition of neglect brings the child within the purview of the State Juvenile Court Act. Telephone complaints or oral complaints should not be ac-

cepted at intake. Such complaints—most of which require further investigation—should be referred to law enforcement. Where neglect or abuse is alleged, cases should be referred to a child protective service agency for appropriate investigation.

The offense for which a juvenile may be referred to juvenile court may be an act which if committed by an adult would be considered a crime, or it may be a status offense which was defined earlier. In some instances the child is brought to intake along with the written complaint, while in other instances law enforcement agencies issue a citation notice to the child and parents to appear at intake at a later date. Intake staff should be on duty or "on call" 24 hours a day to receive complaints, particularly those requiring a decision on the need for temporary care.

#### Neglect Cases

Some State statutes include dependency and neglect in the jurisdiction of the juvenile court. The term dependency is not used in the Model Acts for Family Courts and State-Local Children's Programs because the financial inability of parents to care for their children should not be a factor in removing them from their home. The former common category of neglect has been broadened in the Model Acts for Family Courts and State-Local Children's Programs to include the category of minors in need of supervision and persons in need of supervision.

"Neglected Child" means a child:

- (i) who has been abandoned by his parents, guardian or custodian;
- (ii) who is physically abused by his parents, guardian, or other custodian or who is without proper parental control necessary for his well-being because of the faults or habits of his parents, guardian, or other

custodian or their neglect or refusal, when able to do so, to provide them; or  
(iii) whose parents, guardian, or other custodian are unable to discharge their responsibilities to and for the child; or  
(iv) who has been placed for care or adoption in violation of law; and  
(v) in any of the foregoing is in need of care or supervision."<sup>5</sup>

New procedures for handling allegations of neglect are incorporated in the Model Acts for Family Courts and State/Local Childrens' Programs.

"A petition alleging that a child is neglected may be signed only by one of the following persons who has knowledge of the facts alleged and believes them to be true—a representative of (1) a public or private agency providing care or social services to children and families, (2) a hospital, or (3) a mental health agency."<sup>6</sup>

These provisions are designed to keep children and youth who have not committed crimes from referral to the juvenile court, unless they have first had the benefit of services or care from the above agencies.

Referrals from the agencies to juvenile court intake services would only be necessary when, in the judgment of the agency, a change of legal status is indicated. For example, an agency working with an ungovernable youth and his family may feel that temporary separation of the youth from the family is necessary for treatment purposes.

The agency would request a temporary order of custody from the juvenile court to place the youth when total cooperation of child and parent is doubtful.

#### Factors in Decision-Making

The first decision made at the point of intake is whether the complaint is one over which the juvenile court has jurisdiction. This requires knowledge of the jurisdiction of the court and generally presents no complex legal problems.

In order for the court to have jurisdiction, certain specific conditions must be present. The youth must be within the age jurisdiction of the court; must be allegedly involved in an act or situation described by the State juvenile court act; and there must exist prima facie evidence of such involvement. Should any question arise concerning the sufficiency of the evidence, the

matter should be referred to the prosecutor for a final decision.

In cases involving an act which would be a crime if committed by an adult the nature of the act becomes very important but is not always the controlling factor. The public certainly has the right to be protected, and crimes such as murder, rape, robbery, aggravated assault, and arson are serious enough to justify the filing of a petition and the scheduling of a court hearing, assuming sufficient legal evidence.

A second factor to be considered is previous history. Access to police and court records should be readily available to determine if the youth or family are known to either agency. If the case is active with the court, the youth's probation officer should be consulted. However, this does not shift any of the intake decisions from the intake worker to the probation officer.

Other important factors are the age and time of day the offense occurred.

Among the very young, the offense may be an impulsive act without great significance or it could be a danger signal and a "cry for help." Only a skillful intake worker will be able to make such determinations. Of equal significance is the time of day an offense occurred.

For example, a child under fourteen who commits a delinquent act late at night, or during early morning hours, should trigger a concern. The time the act takes place is often a clue to the type of supervision afforded by the parents or guardian.

Still other questions to be considered are:

What is the nature of the child-parent relationships?

What is the attitude of the youth and parent toward the situation?

Is there a recognition by the youth of the seriousness of the situation?

Was the youth alone or in company of others who are accomplices?

#### Intake Dispositions

The above questions do not represent an exhaustive list of factors to be considered but are only suggestive of the kind of questions which should be considered by the intake worker in his diligent effort to determine whether he should: (1) refer the matter to the prosecutor for a decision on jurisdiction or sufficiency of evidence; (2) recommend the filing of a petition; (3) warn and release or

(4) refer the youth, with his or her consent, to an appropriate community resource for the assistance needed.

Although there can be a number of factors to consider in the decision-making process at intake, the nature and extent of screening is often determined by special circumstances. For example, when there is prima facie evidence that a youth has committed a crime of violence; has a history of serious offenses; or has failed to appear at previously scheduled hearings, then extensive screening before recommending the filing of a petition is unnecessary and unwarranted.

In such cases the intake worker should immediately recommend the filing of a petition and place the youth in detention pending a detention hearing.

The objective of helping youth to live within the limits set by law is not realized by routinely funneling more youth into the system. Unless it is determined after careful screening that a youngster is a serious threat to person or property or is a repetitive offender, official action cannot be justified.

The juvenile court should be primarily concerned with offenses, which if committed by adults, would be crimes.

"... The Juvenile Court should serve as a last resort, used only when questions of restraint and coercion arise. In this perspective, the business of the juvenile court should usually be limited to offenders whose conduct would be a violation of the criminal law if committed by an adult. The juvenile court should not be saddled with the role of a child welfare agency or with the rehabilitation of children who run away, smoke, refuse to attend school or are otherwise "incorrigible." For those problems, other suitable agencies must be found in existing or new social service agencies."<sup>7</sup>

For youth who do not need to move beyond intake, and for whom additional processing in the juvenile justice system could be both detrimental and costly, certain important dispositional alternatives should be considered. Some youth coming to the attention of the juvenile court intake can best be served by terminating any further involvement in their lives by the State or Community.

Often the act of being apprehended and confronted with a minor violation is all that is necessary when the youth and parents evidence

concern about the behavior and the willingness to take corrective action.

There are other youth whose behavior and/or offenses do not require court action, but do require referral to an appropriate youth-serving agency for meeting individuals needs and problems that are apparent to the intake worker. The needed service may include counseling, special education, health care, employment, vocational rehabilitation or financial assistance. Such services often involves the parents and other family members as well. Hopefully the community's youth serving agencies will be responsive to these needs with an appropriate referral center and a coordinated services delivery system.

Some intake units and probation departments provide continuing service to children and families after a decision has been made that no petition will be filed. Various terms are used to describe the service:

Unofficial probation, non-judicial supervision, unofficial supervision or simply "supervision." There are compelling reasons why continued service should not be provided by the intake unit or probation department: (1) regardless of the nomenclature used, continued service in the juvenile justice system identifies and stigmatizes a youth as delinquent; (2) "unofficial" handling leads to a distortion in the minds of some as to the functioning of the court and probation department and (3) the use of unofficial processing is subject to abuse.

#### Adjustments and Referrals

After intake has made a determination that no petition will be filed, the case should be referred to an appropriate agency or conferences conducted at intake for the purpose of affecting adjustments or agreements. A time limit of 10 days from the time the initial complaint was received should be used for effecting adjustments or making referrals. Though this can be done administratively, it is preferable to establish such a procedure by statute.

"If a petition is not filed within the time limits provided the Intake Office of probation services is authorized to refer the case to an appropriate public or private agency and to conduct conferences for that purpose. During such conferences, a party may not be compelled to appear, to produce any papers, or to visit any place. Such authorization shall not

extend for a period beyond 10 days from the date of the complaint was made."<sup>8</sup>

The time for affecting adjustments can often be used to reach an agreement for restitution when there have been damages or unrecovered stolen property. However, if court action is necessary to recover damages or restitution, the complaint or victim should be informed that a separate action will have to be initiated in a court having civil jurisdiction, and not in the juvenile court.

### The Rights of Youth and Parents

Before an intake worker begins his initial interviews with the juvenile and his parents, they should be informed by the worker of their right to remain silent and the right to have legal counsel present. If the youth and his parents wish to participate in the interview, nothing they say can later be used in evidence against them. This should be made clear to everyone participating in the interview.

"Unless advised by counsel, the statements of a child or other information or evidence derived directly or indirectly from such statements made while in custody to police or law enforcement officers or made to the prosecutor, probation officer, or social service worker, during the process of the case, including statements made during a preliminary inquiry, predisposition study or consent decree, shall not be used prior to a determination of the petition's allegation in a delinquency case or in a criminal proceeding prior to conviction."<sup>9</sup>

When an intake worker recommends that a petition be filed, he should fully explain to the child and his parents their right to an attorney if one has not already been retained by the family. If the child has not secured the services of a lawyer to represent him, legal counsel should be appointed. Legal counsel should be an unwaiverable right for youth petitioned into court. In some instances, involving situations of neglect, it may be necessary to appoint separate attorneys for the child and the parents when a conflict of interest is apparent.

### Prosecutor's Role

The prosecutor's role is clearly defined in the Model Acts for Family Courts and State-Local Children's Programs.

(a) Complaints alleging delinquency or neglect shall be referred to the Intake Office. The Intake Office shall conduct a preliminary inquiry to determine whether the best interests of the child or of the public require that a petition be filed. If judicial action appears necessary, the Intake Office may recommend the filing of a petition, provided, however, that all petitions shall be prepared and countersigned by the prosecutor before they are filed with the court. Decisions of the prosecutor on whether to file a petition shall be final.

(b) If the Intake Office refuses to authorize a petition, the complainant shall be notified by the Intake Office of the complainant's right to review of the complaint by the prosecutor. The prosecutor, upon request of the complainant, shall review the facts presented by the complainant and after consultation with the Intake Office shall authorize, countersign, and file the petition with the court when he believes such is necessary to protect the community or interests of the child.

(c) When a child is in detention or shelter care and the filing of a petition is not approved by the prosecutor, the child shall be immediately released."<sup>10</sup>

### Detention and Shelter Care

In cases in which there is a basis for intake to recommend the filing of a petition, the next decision deals with the need for temporary care pending court hearing.

As noted earlier, however, the decision to recommend the filing of a petition, as well as the decision to use temporary care for a youth, does not require in each instance a large segment of time for contemplating what should be done. In fact, for certain crimes—such as crimes of violence—the decision to recommend the filing of a petition and the use of detention should not delay the youth's admittance to the detention home—providing the time constraints for filing a petition and scheduling a detention hearing are followed.

Temporary care pending a court hearing can be provided in a detention home which has secure custody, or in a non-secure facility—such as a foster family home or group home. (Shelter care).

The use of detention should be confined to those youth alleged to be a serious threat to the community and considered dangerous. If a youth presents a threat to his own personal safety, i.e. suicidal threats, but is not otherwise dangerous, temporary care should be provided in a hospital, or mental health facility appropriately equipped for such patients.

The detention of youth in jails and juvenile detention facilities throughout the Nation has been scandalous.

"Despite frequent and tragic stories of suicide, rape, and abuse of youth, the placement of juveniles in jails has not abated in recent years. The overuse of jails for adults and juveniles has been denounced by justice system personnel and lay critics, but this criticism has not produced any significant change in the vast majority of states.

... "Detention in physically restricting facilities built for the exclusive use of juveniles has been characterized generally as positive when contrasted to juveniles in adult jails. Although many juvenile facilities may be more healthful or humane than their jail counterparts, they still are jail-like facilities and are often even located adjacent to jail. Confinement in such a facility may be equally harmful, particularly in cases where the person has not committed a criminal violation."<sup>11</sup>

Shelter care is appropriate for children and youth who must be removed from their homes until a court hearing is scheduled but who are not dangerous to themselves or others. Four advantages of shelter care are apparent:

1. Shelter care is much less expensive than detention care.
2. Shelter care is less likely to confirm delinquency status.
3. The "home" setting of shelter care is more conducive to setting the groundwork for future "helping" efforts.
4. Community resources, and particularly youth services, are more readily available to the youth in shelter care than to those in a detention home.

Despite the advantages of shelter care, a national study of delinquent children and youth in custody reveals that there were only 18 shelters caring for 363 youth when the last census of juvenile facilities was concluded in June 1971. This represents less than 3 percent of

all delinquent youth in temporary care facilities.<sup>12</sup>

For all children and youth placed in detention homes, shelters, or hospitals by the intake unit, the Model Acts for Family Courts and State-Local Children's Programs provides that:

"(1) a petition shall be filed within 24 hours, Saturdays, Sundays, and holidays included.

"(2) a detention or shelter care hearing shall be held within 24 hours, Saturdays, Sundays, and holidays included, from the time of filing the petition to determine whether continued detention or shelter care is required."<sup>13</sup>

### Relationships with Community Youth Serving Agencies

The personnel performing juvenile court intake services are continuously receiving, screening, and making intake dispositions of children and youth referred to the juvenile court.

In the performance of tasks related to the above functions, intake workers are dealing with the police, schools, social service agencies and youth service bureaus. The total number of community agencies and personnel with whom intake has contact is sizeable.

The manner in which a child or youth is received and handled is largely contingent upon the working relationships established among agency personnel. If there are mutually developed agreements on referral practices, youth and families will experience fairness and interest in their problems. The groundwork will be laid for future helping efforts.

Conversely if procedures vary according to individual bias and whims, conflict among agencies is inevitable and the result will often be a more hostile and bewildered family which feels it has been treated unfairly.

The degree of formality needed in developing sound working relationships and linkages among youth serving agencies will vary. Formal written agreements among agencies in the processing of children and youth taken into custody—whether delinquent, neglected, or abused—is imperative to assure that legal safeguards are instituted for protecting the rights of children and families.

Law enforcement, child protective agencies, the juvenile court, and the prosecutor's office must have clearly identified roles and functions—consistent with the juvenile court law—as a child moves from the point of being taken into

custody until a disposition is made. Each should accept the roles and responsibilities of the others.

While a high degree of formality is necessary in agreements related to the processing of youth taken into custody, informal agreements may serve the best interests of youth in other situations. If it is a routine practice of police to drop off curfew violators at a Youth Service Center—rather than booking them at headquarters and referring the case to juvenile court—there would be nothing gained, and possibly a great deal to be lost, by attempting to formalize the process in writing by the agencies involved. What some persons are willing to carry out informally may be far more beneficial to youth than what they are willing to put in writing. On the other hand, it is frequently helpful to have major changes in inter agency referral practices formalized through written agreements.

### Written Procedures

The juvenile justice system and its processes remains a mystery to many citizens and community youth serving agencies. Intake as a part of the system is no exception. The system consists of a number of agencies, each administered by a different office. It is further complicated by the fact that some are in the executive branch and some in the Judicial branch of government. Some have described the system as being a non-system. Because of this situation, the purpose, role and function of each unit in the system must be clear and concise.

The policy and procedures for intake service should be developed in a written manual, preferably as part of the Rules of Court. Distribution of the rules should be available to all who may have business with the juvenile court. Periodic review and refinement of procedures is essential, particularly when there are significant legislative changes or appellate court decisions affecting the administration of justice.

## CHAPTER VII

### Organization and Administration

Because of its importance, intake service requires a clear identity in the administration of probation or juvenile court services. A separate intake unit is essential in larger jurisdictions. In smaller courts where this is not practical, it is recommended that the intake function be centralized in one individual. Staff on duty or on call twenty-four hours a day is essential. Most intake units are either a part of a probation department or a unit in a Department of Court Services that includes a variety of services such as probation, intake, and detention. In recent years there have been indications of interest in placing administrative responsibility for juvenile correctional services and delinquency prevention services—including intake and probation—in the executive branch of State government. Four States have already enacted legislation mandating responsibility for these services to a designated State agency.<sup>14</sup>

Regardless of who administers the services and whether they are locally administered, State administered or a combination of the two, there is a need to insure the delivery of services to all communities.

“Public programs of delinquency prevention and treatment may be entirely State administered or partly locally administered. In the latter type, the local units should be vested with as much responsibility as possible and appropriate, the State government making this possible by providing consultation and adequate financial assistance. In addition, to promote quality, uniformity and efficiency of services, local administration should be governed by State promulgated regulations and standards. Subject to differences that exist between State and local governments with respect to jurisdiction, organization and administration, the principles applicable to the State agency should also be applicable to local agencies. Regardless of how administered,

services and facilities for the prevention and treatment of delinquency should, to the greatest extent possible, be community-based and close to those they serve and to other auxiliary community services.”<sup>15</sup>

Unfortunately, it is not uncommon to find responsibility for intake services shifting between the staff of the juvenile court intake office and detention-home personnel. The determining factor is the time of day a referral is made to the juvenile court. The situation is complicated by the fact that detention home staff and intake staff have different supervisors.

It is further complicated when there are no written guidelines or procedures for the screening and referral of cases. While the physical location of intake service may be in the court, the probation department, or a detention home, all intake staff performing intake service should be under the direction of the intake supervisor,<sup>16</sup> following written procedures and guidelines for decision-making and processing of children and youth. This is essential since the total intake screening process of (1) determining whether the court should take action and, if so, what kind of action, (2) determining the need for temporary care or (3) determining whether the matter should be referred elsewhere is all a part of one process.

#### Intake Staff

A youth's first experience with the juvenile court can have a profound impact on him. As the intake worker for the juvenile court will be the first person at the court with whom the youth has contact, a youth's concept of justice will be influenced by how he is treated at intake.

The worker should be particularly sensitive and skillful in short-term interviewing and should be capable of making important decisions after brief contacts with the complainant, the youth, and the family—together with an exami-

nation of the police report. Therefore, the intake unit should be staffed by the best personnel in the probation department. Staff should have experience in probation services and be knowledgeable about the juvenile court law, Rules of Court, the juvenile correctional system, referral procedures, community youth-serving agencies and the role and function of personnel in the justice system.

#### Volunteers

Volunteers can support and supplement the intake operation. In fact the use of volunteers can add a new dimension to the total intake service. Volunteers can greet youth and parents as they arrive at intake and provide an orientation to intake and court procedures. They can explain the roles of the intake counselor, proba-

tion officer, judge, prosecutor and defense counsel. They can also assist the family in filling out the intake fact sheet which contains identifying information. (Generally it contains the names of family members, place of employment, birth-dates, school, address, phone number and other factual information.)

Finally, volunteers can be of assistance to families that are being referred to another agency for service after a determination has been made by the professional staff that no court action will be taken. They can expedite the referral by making appointments, clarifying instruction, and providing transportation and follow-up on referrals to ensure that appointments are kept and services delivered.

Tasks at intake which should be reserved for the professional intake staff are those which involve the actual case decisions and determinations described throughout this publication.

## CHAPTER VIII

### Summary of Guides for Juvenile Court Intake Screening

1. States having no provision for a preliminary inquiry by intake workers in their juvenile court act should consider the enactment of provisions consistent with Section 13 of the Model Act for Family Courts and State-Local Children's Programs. (See p. 20)

2. Juvenile Court Intake should not accept complaints requiring further investigation to determine if a child or youth comes within the purview of the juvenile court act. Placing such responsibility on the intake staff puts them in an adversary position in the eyes of the child and family.

In addition, intake personnel are not generally qualified to make such investigations.

Responsibility for investigations to determine whether an act or situation brings a child or youth within the jurisdiction of the juvenile court is appropriate for law enforcement agencies and child protective agencies. The latter agency is principally involved in the investigation of alleged neglect or abuse of children. (See p. 20)

3. Confusion still exists in many communities between the preliminary inquiry at intake and the social study performed by probation officers.

The preliminary inquiry conducted at intake should consist of a review or evaluation of information supplied by the agency or person making the complaint.

The social study in contrast should be an in-depth study by a probation officer of the family history, inter personal relationships, personality problems, school adjustment, work experiences and other related social and economic factors. The study is conducted *after* the filing of a petition and adjudicatory hearing, but before the dispositional hearing. (See p. 20)

4. One of the principle points of emphasis at intake should be the diversion of youth—particularly status offenders—out of the juvenile justice system.

Equally important is identifying those youth who are a threat to the community and in need of official processing through the juvenile court for their own and society's protection. (See p. 21)

5. Some intake practices include the provision of continuing services to children and families after a decision has been made that no petition will be filed. Continued service by anyone in the juvenile justice system labels and stigmatizes youth. Secondly, unofficial probation violates due process of law. Finally, the use of unofficial supervision is easily subject to abuse. If a petition is not filed, no agency of the juvenile justice system should provide continuing services. (See p. 23)

6. After a child or youth has been referred to intake, processing activities should be guided by time limitations consistent with the following recommendations:

(1) Within 24 hours, Saturdays, Sundays, and holidays included, children in detention or shelter care shall have a detention or shelter care hearing unless released prior to the expiration of that time.

(2) Within 10 days from the receipt of a complaint, the intake unit should refer the case to another agency, affect adjustments, such as a warning and a release, or file a petition.

(3) The Model Act provides that on motion or in behalf of a child, a petition alleging delinquency or neglect should be dismissed with prejudice if it was not filed within 10 days from the date the complaint was referred to the intake office. (See p. 23)

7. Before the initial intake interview begins, the child and parents should be informed that they have a right to counsel and a right to remain silent. They should also be informed that whatever they say, if they elect to participate in the interview cannot be used against them in future court proceedings.

Whenever the intake worker determines that he will recommend the filing of a petition, the youth and parents should be further advised of their right to an attorney through all phases of the court's processes and should be provided legal counsel if they cannot employ counsel. (See p. 24)

8. When the intake unit recommends that a petition be filed, the prosecutor should authorize, countersign, and file all petitions with the court. Questions arising at intake regarding the sufficiency of evidence should be referred to the prosecutor for a final decision. (See p. 24)

9. The need for emergency temporary care (detention or shelter care) of children and youth alleged to be delinquent or neglected—pending a detention or shelter care hearing—is a decision which should be made by the intake staff from delegated powers of the court. (See p. 24)

10. The guidelines and procedures for intake service should be developed in a written manual preferably as part of the Rules of Court. Distribution of the rules should be available to all who may have business with the court.

Periodic review and refinement of procedures is essential. (See p. 26)

11. The intake service performed for the juvenile court should be a clearly identified service within the organization of juvenile probation services. In larger jurisdictions it may be a unit within the Department of Court Services. (See p. 27)

12. Intake staff should be on duty or on call 24-hours a day, seven days a week, to determine if temporary care is needed for children and youth taken into custody. Such a practice is imperative, regardless of the size of jurisdiction being served. (See p. 27)

13. Intake staff should be selected from the best qualified personnel in the probation department, and should possess special skills in short-term interviewing and decision-making. (See p. 28)

14. The use of volunteers at intake is encouraged. A variety of tasks can be assigned to volunteers complementing the work of salaried staff. (See p. 28)

#### REFERENCES

1. Waalkes, Wallace, "Juvenile Court Intake—A Unique and Valuable Tool," *Crime and Delinquency*, Vol. 10, No. 2, April 1964 p. 123.
2. *Report on Corrections*, Standard 8.2, "Juvenile Services," National Advisory Commission on Criminal Justice Standards and Goals, U.S. Government Printing Office, Washington, D.C. 20402, (1973).
3. *Model Acts for Family Courts and State-Local Children's Programs*, Office of Youth Development, Department of Health, Education, and Welfare, U.S. Government Printing Office, Washington, D.C. 20402, (1975), Sec. 13(a).
4. Sheridan, William A. "Juvenile Court Intake," *Journal of Family Law*, University of Louisville School of Law, Vol. 2, 2:146, Fall, 1962.
5. Model Acts, *op. cit.*, Sec. 2. (19).
6. Model Acts, *op. cit.*, Sec. 14. (b).
7. McNulty, Jill K. *The Right to be Left Alone*, reprinted with permission from *American Criminal Law Review*, Vol. 11, No. 1, (1972) by the Office of Youth Development, Department of Health, Education, and Welfare. p. 25.
8. Model Acts, *op. cit.*, Sec. 13 (d).
9. Model Acts, *op. cit.*, Sec. 26.
10. Model Acts, *op. cit.*, Sec. 13.
11. Sarri, Rosemary C. "The Detention of Youth in Jails and Juvenile Detention Facilities," *Juvenile Justice*, Vol. 24, 3:2-5, November, 1973. (Dr. Sarri is Project Co-Director of the National Assessment of Juvenile Corrections, now in process.)
12. *Children in Custody*, a report on the Juvenile Detention and Correctional Facility Census of 1971, National Criminal Justice Information and Statistics Service, Law Enforcement Assistance Administration Department of Justice, U.S. Government Printing Office, Washington D.C. 20402, (1974), p. 1.
13. Model Acts, *op. cit.*, Sec. 23 (a).
14. The States are: Maryland, Florida, Rhode Island, and Vermont.
15. Model Acts, *op. cit.*, under "Principles Underlying the Legislative Materials," No. 6.
16. Also known as Chief of Intake and Director of Intake.

# END