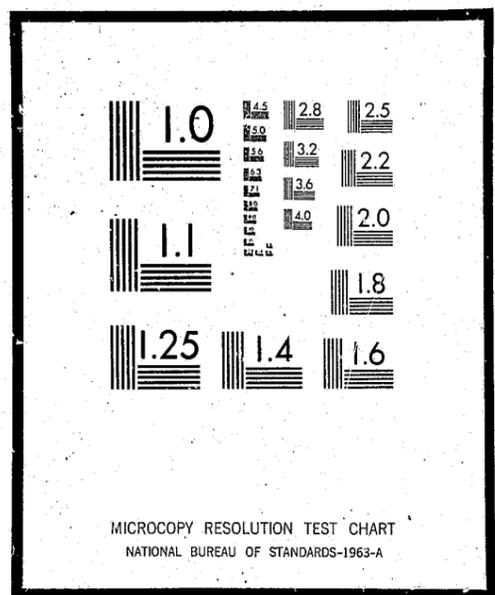


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CALIFORNIA STATE ASSEMBLY

Final Report of the  
Assembly Select Committee on Juvenile Violence - Final Report,  
November 1974

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Newton Russell, Vice Chairman  
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CONTENTS

	<u>Page</u>
ACKNOWLEDGEMENT . . . . .	iv
LETTER OF TRANSMITTAL . . . . .	v
I INTRODUCTION . . . . .	1
A. FINDINGS AND CAUSES OF JUVENILE VIOLENCE . . . . .	3
B. PROPOSALS BASED ON RECOMMENDATIONS . . . . .	9
C. BACKGROUND . . . . .	15
D. PURPOSE OF REPORT . . . . .	16
1 - Information for Legislators . . . . .	16
2 - Additional Committees of Select Committee Members . . . . .	16
3 - Information for State and Local Government Personnel and Citizens . . . . .	18
II OVERVIEW . . . . .	20
A. REFORM OF THE EDUCATIONAL SYSTEM . . . . .	21
B. COMMUNITY INVOLVEMENT AND ACTION . . . . .	22
C. CHANGE IN JUVENILE LAWS . . . . .	25
D. EMPLOYMENT . . . . .	26
E. COUNSELING . . . . .	26
F. FUNDING . . . . .	27
III MAGNITUDE . . . . .	28
IV RECOMMENDATIONS WITH COMMENTS . . . . .	35
1 - Relative to a Study and Reform of Juvenile Law . . . . .	35
2 - Revising the Treatment of Non-Criminal Juvenile Offenders . . . . .	55

	<u>Page</u>
3 - A Study of the Rights of Young People . . . . .	66
4 - Establishment of Juvenile Justice Centers . . . . .	71
5 - State-Wide Community-Based Diversion Programs . . . . .	80
6 - Community Delinquency Projects . . . . .	116
7 - Counseling Teams . . . . .	124
8 - Alternative Community Schools . . . . .	127
9 - Media Task Force to Reduce Violence . . . . .	140
10 - School Emergency Plans . . . . .	142
V CONCLUSIONS . . . . .	148
BIBLIOGRAPHY . . . . .	150

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# Assembly California Legislature

## Assembly Select Committee

### on Juvenile Violence

JULIAN DIXON  
CHAIRMAN

December 16, 1974

#### ACKNOWLEDGEMENT

The Select Committee would like to express its appreciation to the California Assembly Symposium on Services to Children and Youth. The Symposium was charged by the Legislature in June 1973 with obtaining a comprehensive picture of how the system for services to children and youth works.

The basic issues identified by the Symposium study groups have assisted us in our inquiry into the problem of violence among juveniles.

Honorable Leo McCarthy  
Speaker of the Assembly  
Room 3164, State Capitol  
Sacramento, California

Dear Mr. Speaker:

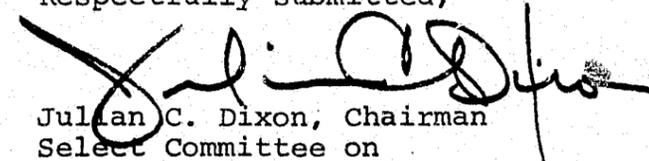
The Select Committee on Juvenile Violence was appointed by former Speaker of the Assembly, Bob Moretti on February 1, 1974 to explore the dimensions of juvenile violence and to recommend to the Legislature solutions to reduce the problem.

The Select Committee has conducted two hearings and gathered information on vandalism, the problems of disruptive behavior, and acts of crime on school campuses and within communities.

This final report brings together the Committee's findings and recommendations which involve a study and subsequent reform of juvenile law; the establishment of juvenile justice centers; delinquency prevention projects; a study of the rights of young people; alternative community schools and additional supportive legislation.

We believe these approaches will be effective in minimizing the symptoms and remedying the causes of juvenile violence in California.

Respectfully submitted,

  
Julian C. Dixon, Chairman  
Select Committee on  
Juvenile Violence

## I INTRODUCTION

Oftentimes have I heard you speak of one who commits a wrong as though he were not one of you, but a stranger unto you and an intruder upon your world.

But I say that even as the holy and the righteous cannot rise beyond the highest which is in each one of you.

So the wicked and the weak cannot fall lower than the lowest which is in you also.  
(Gibran, 1923)

Crimes committed by juveniles against persons in California have increased 46 percent since 1968. In addition, the change in rate of juveniles committing violent crimes is more than double the change in rate of adults committing similar crimes.

The cause of this increase is not definitive, however, one fact does emerge: the causes of violent and criminal acts are complex, multi-faceted, and involve each one of us.

To explore the dimensions of violence among juveniles, the California Legislature created the Assembly Select Committee on Juvenile Violence on February 1, 1974. The Committee, chaired by Assemblyman Julian Dixon, was charged with investigating the problem of violence to see if reductions in criminal and violent acts could be realized through legislation.

This report summarizes the information and facts gathered by that Select Committee during its ten months of inquiry into the problem. It brings together findings in an attempt to answer three questions: What is the magnitude of juvenile violence in California? What are the causes? and How can juvenile violence be reduced?

The Committee staff found the charge of answering these questions to be a difficult one. The task of summarizing findings from hearings, publications, reports, and interviews is enormous. The sheer volume of information to be investigated is unlimited and of such magnitude that undoubtedly in this report there are significant omissions of pertinent information.

Accordingly, this report, Juvenile Violence: What? Why? How? should be regarded as a preliminary step towards answering questions raised by the Legislature and the people who elect them.

## A. FINDINGS AND CAUSES OF JUVENILE VIOLENCE

### Magnitude

1. The number of juveniles arrested in California for crimes against persons (which include homicide, robbery, assault and forcible rape), rose sharply between 1968 and 1973 (46.8 percent) compared with a decline (10 percent) in all other arrests.

The number of adults arrested in California for crimes against persons rose between 1968 and 1973 (18.5 percent), but did not increase nearly as sharply as did the all other category (37.8 percent).

2. Juvenile offenders arrested in California between 1968 and 1973 showed little change in proportions of males and females arrested. In 1968, males comprised 77.3 percent and females 22.7 contrasted with 1973 with males comprising 75.3 percent and females 24.7 percent. Adult offenders also showed little change in proportions of arrested males and females.
3. Compared to the national picture, California shows an alarming increase in arrests for violent crimes. The percent of juveniles arrested increased from 1968 to 1973, while the national percentage remained approximately the same.
4. Based on total arrests, the percent of juveniles arrested for violent crimes nationally showed no substantial increase; but the actual number of crimes against persons rose sharply.

Between 1968 and 1973, there was a 59 percent increase in juveniles arrested for murder; burglary increased 18 percent, aggravated assault rose 42 percent, and juvenile arrests for rape doubled to 52 percent.

### Causes

5. Causation is a difficult and much disputed concept; especially in the social sciences. Most social phenomena are attributed to networks of interdependent, multi causes.
6. Causes of violence are complex, multi-faceted and encompass the problems of the larger society. Easy or short-cut methods for deriving the causes of specific types of conflict are unavailable.

### The Juvenile Justice System

7. A major cause of juvenile violence cited is an ineffective juvenile justice system. The system is confused, fragmented and disorganized.
8. The juvenile court system is sometimes wasteful and has been called an expensive rug under which social ills are swept.
9. Juvenile facilities and personnel are presently inadequate. Juvenile buildings are often antiquated and caseloads are too heavy for adequate rehabilitative efforts.
10. The Probation Officer frequently is in an ambivalent position; he is both an adversary and an advocate for the juvenile.

### The Treatment of Non-Criminal Offenders

11. Juvenile offenders arrested for violent crimes are not considered or kept separate from non-criminals.
12. Age-specific offenses that would not be crimes if committed by an adult are processed through the court system. This practice can be harmful and consumes resources better directed to criminal behavior.
13. Juveniles who have committed violent acts of crimes are sometimes not removed from the schools and the community. Putting these same juveniles back on the streets is not the answer.
14. Incarcerating young people may increase the problem of crime among juveniles.

### Rights of Young People

15. Young people have become a problem because they have begun to notice that they are isolated and have no control over things. They create waves by acting out and resorting to violence as a means of letting out their frustration.
16. For young people, a double standard exists. The law assumes they are incompetent until they can prove otherwise, and even then, young people must have attained certain ages in order to be permitted to prove their capabilities.

17. Working with young people is not a problem to be resolved but a relationship to be experienced. It is a changing, interacting relationship between people living together.
18. Many problems develop because of the attitudes of those who work directly with young people. Selecting and training personnel who understand the needs and problems of young people is essential.

#### Juvenile Justice Centers

19. Presently no agency assumes full responsibility for offenders. Responsibility could be given to coordinating centers.
20. We often deal with children's educational and family problems inappropriately in the judicial system.
21. It is generally viewed that delinquent youth come from broken, cracked, and fractured homes where the parents were incapable or unable to create a satisfactory child-rearing atmosphere. This view is not substantiated.
22. People directly responsible for caring for or educating young people sometimes abdicate their roles and often run out of solutions.

#### Diversion Programs

23. The justice system has not been effective in helping young people and too frequently contact with the court and referral to inappropriate facilities exacerbate the problems and stigmatize the young person.
24. There is confusion within the juvenile system between the punitive and rehabilitative roles relative to juveniles within its jurisdiction. Non-criminal juveniles are often not treated within their homes and are not referred to the juvenile justice system as the only resort.
25. The use and monitoring of alternative approaches (diversion) is arbitrary, and diversion standards are not consistent in concept or implementation. Where there are effective preventive diversionary programs, generally there is a reduction in delinquency.
26. Effective community based alternatives and residential treatment centers are often not available to all children when they need them; an arrest or court record should not be eligibility requirement for help.

#### Community Delinquency Prevention Projects

27. Responsibility for the welfare and protection of young people is not given to the community. To work effectively with other agencies and groups, the community needs the necessary resources to help troubled youth and their families.
28. Agency personnel and community members often have significantly different views about the causes of violence. Agency personnel point to fragmented services, inadequate facilities, insufficient personnel, and limited funds. Community members point to societal factors of poverty, racism, educational inadequacies, limited recreational facilities, unemployment, and oppression.
29. Juvenile violence, as perceived by some community people is thought to be involved with urban renewal and police entrenchment.
30. Inactivity and unemployment contribute greatly to juvenile violence.

#### Counseling

31. Many problems experienced by juveniles could, through adequate counseling, be detected earlier and perhaps relieved, if not solved.
32. Present counselors are burdened with an excessive juvenile load, and sometimes have to perform duties other than those in which they were specifically trained.
33. Entering the lives of delinquent youth at appropriate times, without stigmatizing the juvenile and embarrassing the family, curbs juvenile violence.
34. Anytime a child comes into conflict with school or society, something has been ineffective with that child. The majority of troubled students have failed from the beginning of their school experience; are angry with themselves, the school, and their parents.

#### Alternative Community Schools

35. There is an important connection between the school experiences a child receives and his behavior. Improper schooling is a big contributor to juvenile violence.

36. Unless schools are places where people want to be, where people learn, where people grow, everything you do is going to be coercion and force.
37. Public schools have the same structure administratively and instructionally that they had during the first hundred years: thirty kids, a teacher, a classroom, a box. If schools are going to do what society expects them to do, it will require a greater expenditure of resources.
38. The curriculum and the physical environment of the school often do not prepare students to succeed in everyday living, secure employment, and lead productive fullfilling lives.
39. Practices in schools are often perceived by minority persons as a continuation of a long history of discrimination, exclusion, and denial.
40. The school as a primary representative of this society's approaches and attitudes, is frequently viewed as a foreign element which has very little relation to some of the basic needs of the community.
41. Juvenile violence, as it relates to schools, seems to arise from two different sets of causes. One lends itself to positive action on the part of the school administration to open and strengthen lines of communication. The other results from the school's role as a part time custodian of a specific social group.
42. There is not a crisis with youth violence, but a crisis in administrative leadership in the educational fields the social action fields, the parental guidance areas, and the guidance system.

#### Media Task Force

43. The violence which is so embedded in this society is presented as a regular diet to youth through the media.
44. Analyses of the content of television presentations repeatedly show that violence is portrayed in a large percentage of the popular programs.
45. In some cases, the use of illegal drugs is glorified through T.V. and the movies.
46. Popular and publicized movies are extremely violent and often portray the taking of another's life, done without any expression of emotion or, in some cases, with apparent enjoyment.

#### School Emergency Plans

47. Violence and crime are having a devastating impact on education in schools throughout the state of California. The impact is first felt in the area of finances, where dollars are siphoned off from the educational program to pay for additional security measures, and the cost of vandalism, burglary, and arson.
48. Schools are often unable to control who is on or loitering near the campus.
49. Many of the problems on school campuses are a result of people who do not belong on campus; either students who have been expelled, students who are not enrolled, or older adults. Those not belonging on campus, are sometimes there because of drugs and because they want to meet other students.
50. Among schools, there is no uniform procedural treatment in cases involving disciplinary action.

B. PROPOSALS BASED ON RECOMMENDATIONS

Recommendation #1 - Relative to a Study and Reform of Juvenile Law

That the Legislature assign to a commission and appropriate committee the study and subsequent reform of juvenile law to include, but not be limited to:

- juvenile facilities and staffing.
- juvenile court procedures.
- detention, filing of petitions, dispositions, case review, appeals and subpoenas.
- juvenile and criminal records.
- the question and resolution of the conflict between the adversary role vs. the advocacy role of the courts.
- the role of the judge, hearing officer, referee, District Attorney, Public Defender and Probation Officer.
- the question and resolution of decentralized community-based courts and juvenile facilities, family courts.
- diversion units prior to entering the justice system.
- services for the emotionally disturbed minor.
- the study of today's adolescent.

Recommendation #2 - Revising the Treatment of Non-Criminal Juvenile Offenders

It is recommended that the legislature revise the treatment of non-criminal juvenile offenders who are charged under Section 601 of the Welfare and Institutions Code.

Juveniles who are made wards of the courts because of truancy or incorrigibility should be separated from juvenile offenders who have been convicted of a crime. Alternative placements and rehabilitative services would be utilized. Priority would be placed on maintaining the least restraint and punishment environment possible until all reasonable efforts to rehabilitate the juvenile have been tried.

Recommendation #3 - A Study of the Rights of Young People

It is recommended that the legislature assign to an appropriate committee the study of rights of young people to explore the premise that age should not be the criterion which determines when a person may participate in various aspects of our economy and society.

Recommendation #4 - Establishment of Juvenile Justice Centers

It is recommended that the legislature establish a planning body assigned to an appropriate legislative committee to develop Juvenile Justice Centers in designated areas. Boundaries of the designated areas could be community, city, or county lines.

The Centers would coordinate the component parts of the criminal justice system including representatives from the following:

Juvenile court  
Probation Department  
District Attorney's Office  
Public Defender's Office  
Schools  
Police and Sheriff's Department  
Community Services Department  
California Youth Authority  
Rehabilitated juvenile offenders  
Community agencies  
Non-traditional agencies and organizations

The Juvenile Justice Center would bring together into a single facility, representatives of the different parts of the juvenile justice system. The Center would house a juvenile court and all juvenile offenders having residence in the target area would be referred to the Justice Center. A screening committee consisting of center representatives would evaluate each case referred and recommend the disposition considered to be the most effective in the interests of protecting the community and rehabilitating the minor.

Recommendation #5 - State-Wide Community-Based Diversion Programs

It is recommended that the legislature work with the Office of Criminal Justice Planning, Department of Education, California Youth Authority, Department of Health, and the Attorney General's Office in planning State-wide community-based programs to divert juveniles from the traditional juvenile justice system, and to provide critically needed alternatives to institutionalization.

The participation in the planning of diversion programs should facilitate the implementation of the Federal Juvenile Justice and Delinquency Prevention Act of 1974.

Emphasis would be placed on providing technical assistance to community-based programs, services, and alternatives; especially during the initial planning and proposals writing periods.

Recommendation #6 - Community Delinquency Projects

It is recommended that the legislature establish pilot community delinquency projects in target areas in California to marshal and coordinate community resources.

Staffing would involve personnel on loan from agencies and departments, and professionals and paraprofessionals who live in the community.

The ultimate goal of the projects would be to develop expertise in residents so that subsequently they will be primarily responsible for the operation of the project.

Delinquency prevention projects would:

- involve community representatives in determining the needs of the community to combat delinquency,
- prioritize needs and obtain assistance from represented agencies in meeting these needs,
- coordinate plans to maximize present future funding approaches to best assist juveniles educationally, culturally, economically, and socially,

- when indicated, form a broad-based group that would speak for juvenile needs and support community prevention programs,
- establish community teams to assist schools in developing approaches to prevent vandalism, conflict and acts of crime, and
- establish a communication process involving citizens, parents, students, the media, and law enforcement personnel.

Recommendation #7 - Counseling Teams

It is recommended that the legislature establish counseling teams for designated target high school boundary areas. Teams will be staffed by personnel from schools, probation, courts, law enforcement, social service and health agencies, and hospitals.

The goal of the team would be to provide for juveniles a social-emotional climate at home, in school, on the job, and in the community conducive to the motivation of behavior and inter-personal growth.

Services would be made available to both elementary and secondary schools, students, and parents. Service priorities would go to juveniles showing truant and disruptive behavior and students who have been suspended or expelled. The teams would also serve as a resource diversion unit for law enforcement personnel.

Recommendation #8 - Alternative Community Schools

It is recommended that the legislature establish alternative community schools in designated areas to improve and upgrade the quality of education in these areas. The goal of each school would be to provide for each child, the necessary skills and educational experiences which would maximize self-awareness, self-esteem, and self-actualization.

Alternative community schools would:

- involve students, parents, and citizens in the planning, implementation, and evaluation of the educational model,

- provide for vocational training towards the development of saleable skills,
- mesh educational experiences with community resources (which include museums, performing arts schools, colleges, universities, businesses, companies, and government agencies).
- provide students, parents, and community people with a greater degree of responsibility for the governance of the schools,
- encourage the development of individualized programs and innovative educational approaches,
- utilize instructional technology, instructional systems, and interdisciplinary approaches,
- give teachers the opportunity to teach by innovative and creative methods,
- utilize cross-age tutoring and teaching,
- test the validity of the alternative community school concept under planned conditions with on-going relevant evaluation,
- provide students and parents with a greater degree of responsibility over the type of school they attend and utilize,
- fix accountability for educational expenditures,
- involve students, parents, and citizens in planning and evaluating educational expenditures,
- determine if cooperation among educators, students, parents, and citizens will result in a higher quality of education for all.

Recommendation #9 - Media Task Force to Reduce Violence

It is recommended that the legislature establish a Task Force to work with the media on reducing the beautification of acts of crime and violence. Studies suggest that present portrayals of violence in the press and on television result in feelings of immunity towards acts of crime and death.

The Task Force would study and recommend to the legislature approaches through the media which would aid in the reduction of juvenile violence.

Recommendation #10 - School Emergency Plans

It is recommended that the legislature provide funds to school districts for developing and implementing school emergency plans to prevent and combat violence on school campuses. Emergency plans would involve:

- students, school personnel, parents, community leaders, and juvenile justice personnel in the development and implementation of the plan,
- the improvement of school communication systems,
- the regulating of access to school campuses if indicated,
- the recruitment of parents and community people as security guards,
- the provision for in-service training of security personnel to minimize psychological damage to non-criminal students, and
- coordination with existing juvenile diversion units for appropriate disposition of students violating campus rules.

### C. BACKGROUND

Violent crimes committed by juveniles in California have almost doubled since 1968. This alarming increase prompted the California Legislature to create the Assembly Select Committee on Juvenile Violence in February 1974.

The Committee, chaired by Assemblyman Julian Dixon (D-Los Angeles), was directed to explore all of the dimensions of juvenile violence by gathering facts and information regarding the problem of disruptive behavior, vandalism, and acts of crime on school campuses and within communities.

The members of the Committee include: Assemblyman Howard Berman (D-Sherman Oaks), Assemblyman Ray Gonzales (D-Bakersfield), Assemblyman Kenneth Maddy (R-Fresno), and Assemblyman Newton Russell (R-Glendale).

Two hearings were held by the Select Committee, the first in Los Angeles on April 26, 1974, and the second in Bakersfield on May 10, 1974. The report containing testimony from the Bakersfield hearing was published in August and the Los Angeles report was issued in September. Both reports are available from the Assembly Select Committee on Juvenile Violence.

During the hearings, selected individuals from various segments of the communities discussed the magnitude and causes of juvenile violence and suggested approaches to bring about solutions. Witnesses recommended changes in the educational system, preventive counseling, comprehensive community planning, increased youth employment opportunities, changes in juvenile laws, and appropriate funding.

### D. PURPOSE OF REPORT

The purpose of this report is threefold:

- 1) to provide information for legislators,
- 2) to add to the expertise of the Select Committee members who serve on other committees, and
- 3) to provide information for state and local government personnel and interested citizens.

#### 1) Information for Legislators

This report can provide information for legislators by presenting findings and recommended proposals based on these findings. The legislative proposals are an outgrowth of facts, information and recommendations obtained by the Select Committee during its ten months of inquiry.

The recommended legislative proposals concern study and changes in juvenile laws, the justice system, the rights of young people, community-based services, youth employment, counseling, media presentations, and educational programs.

The Committee hopes that the information in this report will suggest to legislators approaches which will result in a reduction of the problem in California.

#### 2) Additional Committees of Select Committee Members

The Assemblymen on the Select Committee on Juvenile Violence are Democrats and Republicans representing constituents living in both rural and urban areas. The members have extensive backgrounds in the field of law, education, and government systems.

The Select Committee Members sit on other committees that act upon legislation related to the problems of juveniles. This report will add to the expertise of the members and encourage the passage of supportive legislation in other committees. The additional committees of the Select Committee Members are:

Agriculture  
(Gonzales)

Commerce and Public Utilities  
(Maddy)

Commission for Economic Development  
(Russell)

Criminal Justice  
(Vice Chairman, Maddy; Dixon)

Education  
(Vice Chairman, Gonzales; Berman; Dixon; Russell)

Employment and Public Employees  
(Vice Chairman, Dixon; Russell)

Finance and Insurance  
(Russell)

Food and Nutrition  
(Berman)

Government Administration  
(Chairman, Russell)

Governmental Organization  
(Maddy)

Industrial Safety  
(Russell)

Joint Committee on Educational Goals and Evaluation  
(Russell)

Joint Committee on Legal Equality  
(Berman)

Joint Committee on the Master Plan for Higher Education  
(Gonzales)

Joint Committee on Public Employer-Employee Relations  
(Berman)

Judiciary  
(Maddy)

Labor Relations  
(Vice Chairman, Berman)

Retirement  
(Dixon)

Revenue and Taxation  
(Gonzales)

Revision of the Corporations Code  
(Maddy)

Select Committee on Agriculture, Food, and Nutrition  
(Berman; Gonzales)

Select Committee on Farm Labor Violence  
(Maddy)

Select Committee on Manpower Development  
(Russell)

Select Committee on Medical Malpractice  
(Berman; Maddy)

Transportation  
(Berman)

3) Information for State and Local Government Personnel and Citizens

Violence is a reflection of the characteristics of a society and a people. It can only be diminished through the concerted efforts of state and local government personnel and citizens.

The problem of violence is complex and multi-faceted; its resolution far from simplistic. By summarizing reported findings, and highlighting recommended solutions, this report points towards steps which could be taken by students, parents, teachers, concerned citizens, counselors, agencies, and people in local and state government.

## II OVERVIEW

And as a single leaf turns not yellow but  
with the silent knowledge of the whole tree,

So the wrong-doer cannot do wrong without  
the hidden will of you all.

Like a procession you walk together towards  
your god-self.

(Gibran, 1923)

Violence among juveniles is viewed by many to be an outgrowth of apathy towards instilling positive societal values in children. It is also seen as a mirror of adult values and attitudes toward authority and law enforcement. The increase of violence shows the extent of this breakdown in values.

Since 1968, national figures on arrests of juveniles for violent crimes reflect an increase of 53 percent compared to an increase among adults of 35 percent. In California, crimes committed by juveniles against persons increased 46 percent. Compared to adults, the percent change in rate of juveniles committing violent crimes is more than double the change in rate of adults committing similar crimes.

The factors affecting the increase in crime are extremely complex and encompass many areas.

The complexity of crime has been capsulized by Ramsey Clark, "If we are to deal meaningfully with crime, what must be seen is the dehumanizing effect on the individual of slums, racism, ignorance and violence, of corruption and

impotence to fulfill rights, of poverty and unemployment and idleness, of generations of malnutrition, of congenital brain damage and prenatal neglect, of sickness and disease, of pollution, of decrepit, dirty, ugly, unsafe, overcrowded housing, of alcoholism and narcotics addiction, of avarice anxiety, fear, hatred, hopelessness and injustice. These are the fountainheads of crime. They can be controlled."

(Clark, 1970)

To become a healthy, productive adult, juveniles must not experience the dehumanizing effect of lack and frustration. There must be a redirection in the systems that touch children and youth. We can begin with the educational system.

#### A. REFORM OF THE EDUCATIONAL SYSTEM

In exploring the dimensions of juvenile violence, the Select Committee heard testimony that there needs to be a reform of the educational system.

At both hearings, in Los Angeles and Bakersfield, the Committee was told that young people are turned off and turned down in school, that vocationally schools are limited in preparing youth for adult living, and that schools do not do what they are purported to do -- educate.

One educator wrote, "The schools have been modeled after the jail, the church, and the factory, and the students have been victims of academic imperialism."

Modern stresses and life mandate a major shift in the educational process. Alternative approaches to education must be provided. There must be a redirection in the school structure that touches children and creates a climate that respects and nourishes the dignity of young adulthood.

It has been said that education is a debt due from present to future generations. If this is true, then we owe.

There are many in education who feel deeply about the plight of education today; educators who are committed, but who feel powerless within the present educational system. The making - establishment - birthing, of an educational system that nurtures psychological, spiritual and social growth is urgent. In this system many alternative or optional programs could be provided. These programs must take into account local conditions, varied opportunities, and community involvement.

#### B. COMMUNITY INVOLVEMENT AND ACTION

Witnesses and writers in the field of delinquency have stated that juvenile violence is multi-faceted and encompasses the overall makeup of the political, social and economic climate of each individual community.

Solutions are more than the activities of a committee, a council, an agency -- more than the fervor of an organization, agency, or association that emerges. The way to reduce and blot out violence is found in the way we live, the way we treat the members of our families and neighbors, as well as the kind of on-going support and creativity exhibited in committees and organizations.

Society, in the Select Committee's research and inquiry, was described as being "crisis-oriented." It takes a major disturbance to trigger the necessary community interaction. But then, when the problem cools down, the involved citizens go away.

On-going community involvement and action must be a major part of any proposed approach to the problem of juvenile violence.

The Committee was told that remedies must be community-based because disruptions reach into all community areas. Factors of stress, mobility, and media presentations are involved in the problem, therefore, these factors must be incorporated in proposed solutions.

A major suggestion made was that the legislature lend support to the prevention of juvenile violence by actively establishing the climate where total communities can work cooperatively together with mutual trust toward common objectives.

A probation officer said that each time there is an incident, there is inevitably a community reaction and attempts are made to ask the courts and the probation department to get together. The police chief stated that arrest and incarceration without some effort by responsible agencies to reach root problems, was the least effective approach.

Witnesses during the Select Committee hearings testified that authoritarian structures within departments, agencies, and institutions often discouraged open communication and involvement with parents and the community.

Community involvement and citizen participation have been primary recommendations of the U.S. National Advisory Commission on Criminal Justice Standards and Goals (1973).

The Commission wrote:

"...technology, urban stress, and the pace of change in America have produced a society in which it is difficult for "the People" to exercise their responsibility to participate. As Society places more responsibility on its institutions, it places less on itself. Much of the alienation in American may result from the lack of power citizens feel in relation to the institutions they have set up to run their lives."

In summation, there is consistent agreement that any corrective approaches not encompassing the total community will have little success.

Solutions must include related agencies working together; must take into consideration the primary causes of violence; and must address their purpose towards prevention as the primary objective.

### C. CHANGE IN JUVENILE LAWS

The Select Committee heard repeatedly that juvenile laws and court procedures failed to protect and promote the best interest of the child and the community. Juveniles committing age-specific offenses, such as being truant, run-away, or incorrigible, are often placed with minors who have either been convicted or accused of crimes.

The Committee was informed that conditions in many of the juvenile correction facilities made rehabilitation almost impossible. Juveniles are subjected to sexual degradation, racism, and a rat pack struggle to survive. If a truant or beyond-control minor is not a criminal before he enters the justice system, he is well on his way to being one by the time he leaves.

Other problems involving the juvenile justice system dealt with the role of the probation office and the proper incarceration and handling of juveniles that the system has failed to rehabilitate.

In summation, information gathered by the Committee emphasizes the need for the juvenile justice system to: reassess its goals and develop guidelines for the treatment of both non-criminal and criminal juveniles; monitor activities within the juvenile justice system; and develop better articulation and cooperation between and among various public and private agencies within the community. The prevention and rehabilitation of criminal conduct among juveniles referred to the juvenile justice system is crucial.

### D. EMPLOYMENT

Combining vocational education with job opportunities was felt to be an effective method of preventing juvenile violence. Appropriate planning and programs to insure employment for youth was a major concern of those testifying.

A witness at the Select Committee hearing noted that the cutback in youth employment opportunities was one reason for the increase in juvenile violence. Another witness emphasized that there should be an all year youth employment program, rather than a summer program to find jobs and provide a place for youth in the community.

### E. COUNSELING

Witnesses at the Select Committee hearings had similar responses to the question, "What is presently being done about the problem of juvenile violence that is effective?"

Effective measures centered around the concept of preventive counseling and individualized treatment of juvenile offenders. The need for additional counselors was voiced by all groups. Counselors can assist in marshalling all resources in a coordinated way to bring an individual to his best functioning level.

Counseling, as primary vehicle in curbing juvenile violence has been emphasized in most recommendations made by those involved in researching and working with young people

## F. FUNDING

Some witnesses responded negatively to the question, "Are additional state funds needed?" They stated that the use of present funds should be continually evaluated.

Other witnesses felt that many of the recommendations presented during the hearing could not be handled merely by shifting present funds, but would require additional money and effective use of present funds.

## III MAGNITUDE

You are the way and the wayfarers.  
And when one of you falls down he  
falls for those behind him, a caution  
against the stumbling stone.

Ay, and he falls for those ahead of  
him, who though faster and surer of  
foot, yet removed not the stumbling  
stone.

(Gibran, 1923)

The number of juveniles arrested in California for committing crimes against persons rose sharply between 1968 and 1973. The Bureau of Criminal Statistics reports an increase of 46.8 percent change in rate over the six year period, compared to a decline of 10 percent in all other juvenile arrests (see Table 2).

Of those juveniles arrested in 1973, 7 percent had committed violent crimes compared with 4.5 percent committing similar crimes in 1968. Although the percentage is proportionately small compared to the total number of those arrested, the percentage increase of juveniles committing violent offenses has almost doubled.

Adult arrests for crimes against persons which include homicide, robbery, assault, and forcible rape increased, but did not increase as sharply as did the all other felony arrest category (see Table I).

Of those adults arrested in 1973, 18.8 percent had committed violent crimes compared with 21.2 percent in 1968. Adults showed a slight proportionate decrease in violent crimes between 1968 and 1973, and a decided proportionate increase in all other felony arrests.

The proportionate increase in adult felony arrests between 1968 and 1973 is shown in Table III. Table IV shows the proportionate increase in juvenile arrests over the same period of time.

Witnesses at the Select Committee hearings reported increasing incidences of violence among female juveniles. Data on police disposition and sex was obtained from the Bureau of Criminal Statistics. The information presented in Table V reveals only slight changes in proportions of females arrested between 1968 and 1973.

Compared to the national picture, California shows an alarming increase in arrests for violent crimes.

Tables VI and VII show total arrest figures for California and the nation, compiled by the Federal Bureau of Investigation (FBI). The percent of juveniles arrested for committing violent crimes in California (based on FBI figures) increased from 18.3 percent in 1968 to 25.3 percent in 1973, while national figures remained approximately the same.

Although the percent of juveniles arrested for violent crimes nationally showed no substantial increase, the actual number of crimes against persons rose sharply.

Between 1968 and 1973, the FBI reports there was a 59 percent increase in the number of persons under 18 years of age arrested for murder. Burglary increased 18 percent, aggravated assault rose 42 percent, and juvenile arrests for rape doubled to 52 percent.

In 1973, one fourth of all persons arrested in the U.S. were under 18. This amount may actually reflect only half of the arrest figures. FBI statistics cover less than 75 percent of the U.S. population, therefore, many juvenile authorities calculate that actually more than 50 percent of all crimes are committed by juvenile offenders.

Crime statistics can be misleading and comparisons between national, state and local figures unfeasible. In comparing crime figures it is important to keep the following in mind:

1. Law enforcement agencies reporting crime figures do not know the total volume of crime because many criminal actions are reported to official sources.
2. The nature of crime -- what is perceived and reported as criminal -- varies greatly from one community to another and from one citizen to another.
3. Police methods of handling juvenile offenders differ widely from place to place. Arrest practices and emphases also vary from locality to locality.
4. Crime figures may represent disproportionate populations. (For example, FBI figures represent approximately 75 percent of the U.S. population compared to approximately 100 percent of the population in California covered by the Bureau of Criminal Statistics).

TABLE I

ADULT FELONY ARRESTS, 1968-1973

Arrest	1968		1973		Percent change in rate 73/68
	Number	Rate per 100,000	Number	Rate per 100,000	
Total. . . . .	168,789	863.2	239,395	1154.2	33.7
Homicide . . . . .	1,657	8.5	2,088	10.1	18.8
Robbery. . . . .	13,687	70.0	13,698	66.0	-5.6
Assault. . . . .	18,491	94.6	26,540	128.0	35.3
Forcible rape. . . . .	1,874	9.6	2,564	12.4	29.0
Violent crimes . . . . .	35,709	182.7	44,890	216.5	18.5
All other. . . . .	133,080	680.5	194,505	937.7	37.8

ADULT FELONY ARRESTS

Arrests for crimes against persons (personal violence crimes which include homicide, robbery, assault and forcible rape), although increasing in both number and rate per 100,000 population did not increase nearly as sharply as did the "All other" felony arrest category.

TABLE II

JUVENILE ARRESTS, 1968-1973

Arrest	1968		1973		Percent change in rate
	Number	Rate	Number	Rate	
Total. . . . .	366,451	1824.0	362,617	1748.3	-6.7
Homicide . . . . .	211	1.1	280	1.3	25.2
Robbery. . . . .	3,811	19.5	7,048	34.0	74.4
Assault (felony) . . . . .	3,439	17.6	7,179	34.6	96.9
Forcible rape. . . . .	408	2.1	742	3.6	71.6
Assault and battery (misdemeanor). . . . .	8,467	43.3	10,199	49.2	13.6
Violent crimes . . . . .	16,336	83.6	25,448	122.7	46.8
All other. . . . .	350,115	1790.4	337,169	1625.6	-10.1

JUVENILE ARRESTS

The number of juveniles arrested for committing crimes against persons rose sharply between 1968 and 1973 (46.8 percent) compared with a decline of 10 percent in all other juvenile arrests.

TABLE III

ADULT FELONY ARRESTS IN CALIFORNIA

by Number and Year

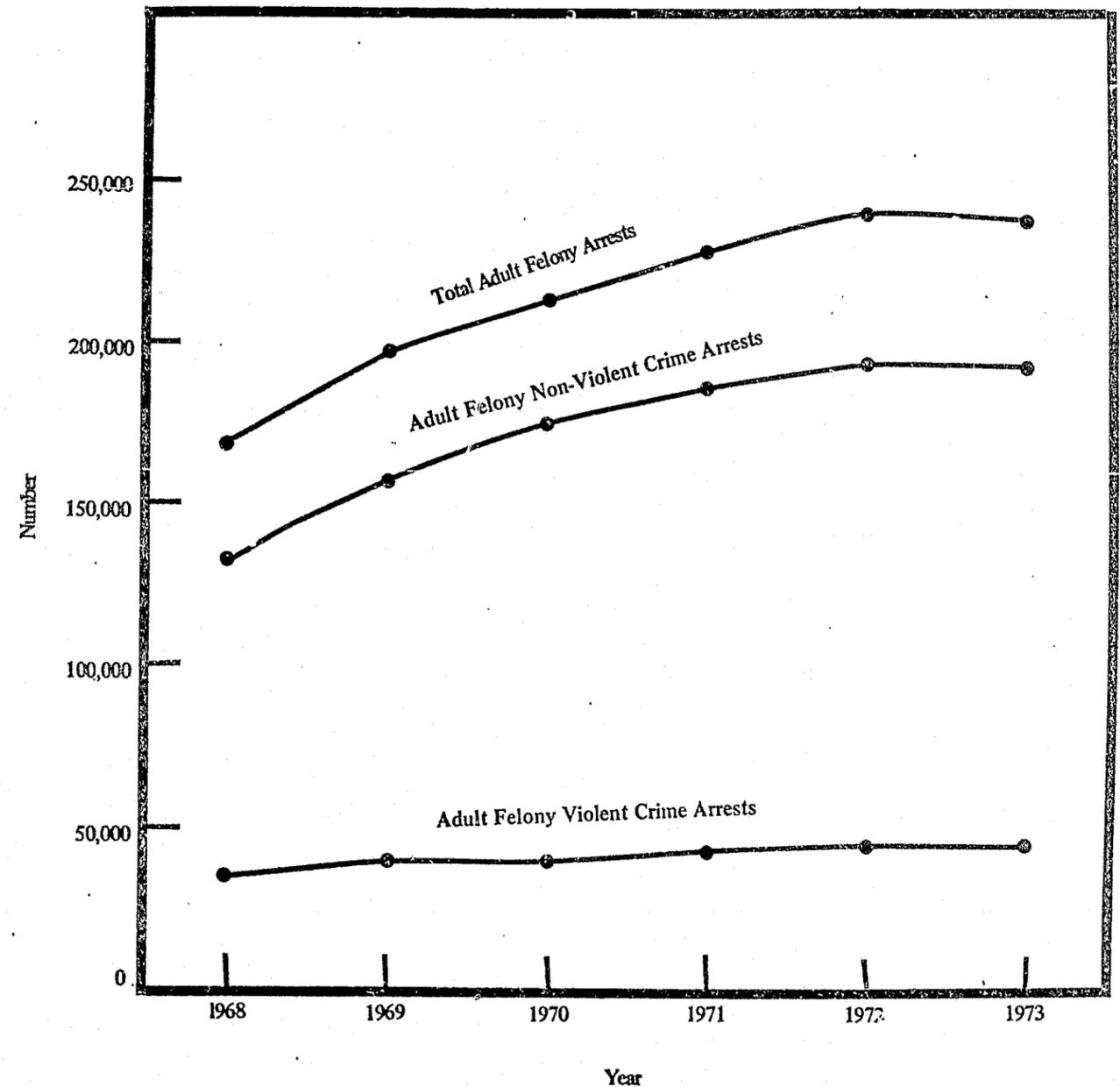


TABLE IV

JUVENILE ARRESTS IN CALIFORNIA  
by Number and Year

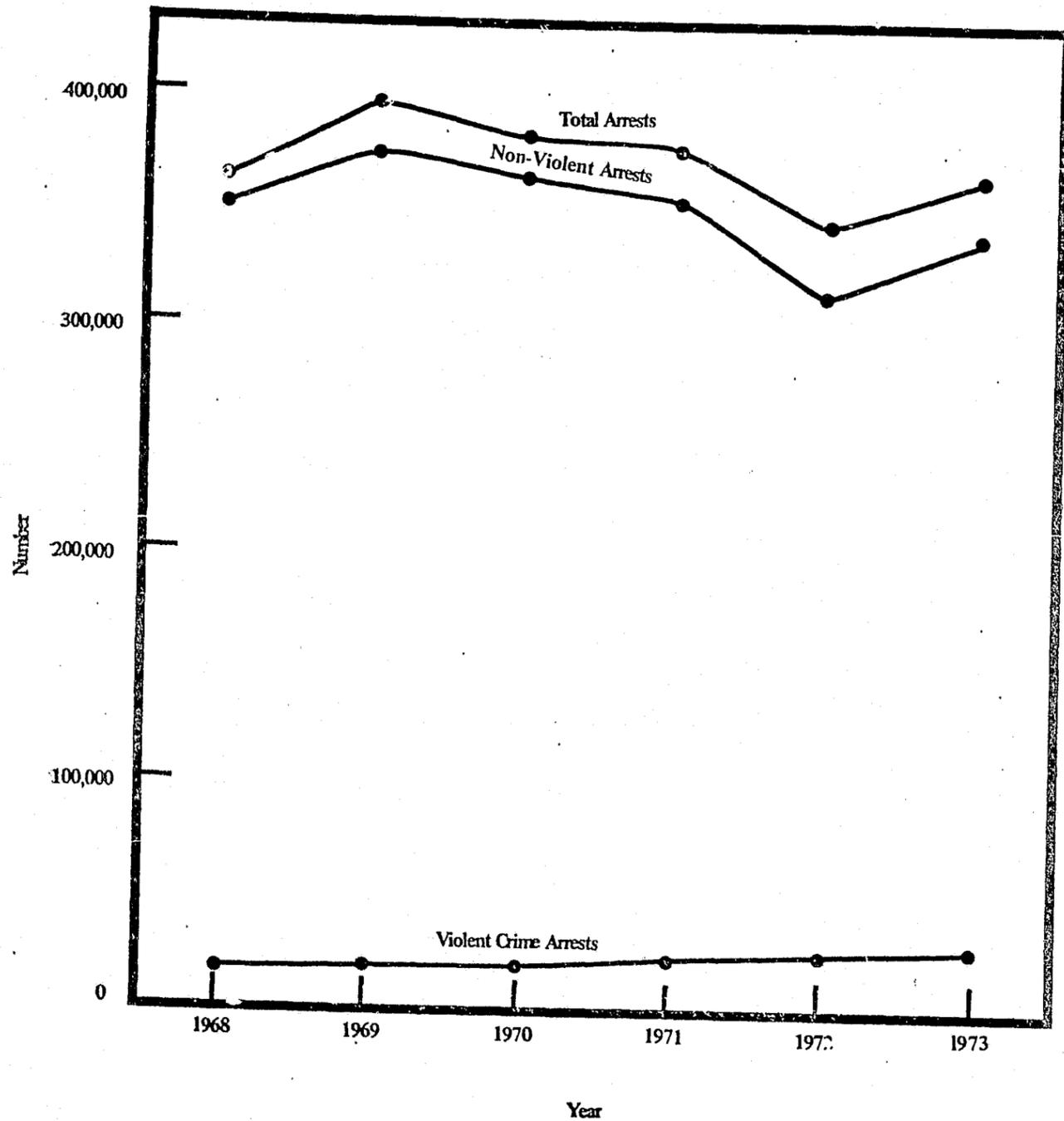


TABLE V

POLICE DISPOSITION AND SEX, 1973

By Type of Arrest, Year, Sex and Police Disposition

Arrests	Total	Sex		Arrest disposition			Handled within department	Juvenile court or probation department
		Male	Female	Release	To other jurisdiction	Complaint filed		
<b>Adult felony arrests</b>								
1973 . . . . .	239,395	208,918	30,477	47,341	6,372	185,682	-	-
Percent . . . . .	100.0	87.3	12.7	19.8	2.7	77.6	-	-
<b>Adult misdemeanor arrests</b>								
1973 . . . . .	781,222	702,575	78,647	67,084	28,293	685,845	-	-
Percent . . . . .	100.0	89.9	10.1	8.6	3.6	87.8	-	-
<b>Juvenile arrests</b>								
1973 . . . . .	362,617	272,958	89,659	-	12,145	-	145,155	205,317
Percent . . . . .	100.0	75.3	24.7	-	3.3	-	40.0	56.6
<b>1968 . . . . .</b>								
1968 . . . . .	634,817	572,234	62,583	37,811	9,950	587,056	-	-
Percent . . . . .	100.0	90.1	9.9	6.0	1.6	92.5	-	-
<b>1968 . . . . .</b>								
1968 . . . . .	366,451	283,255	83,196	-	14,475	-	157,118	194,858
Percent . . . . .	100.0	77.3	22.7	-	4.0	-	42.9	53.2

DISPOSITION AND SEX

Data shown on the above table reveals only slight changes in proportion for the police disposition and sex of juvenile offenders between 1968 and 1973. Adult offenders also show little change in proportions of males and females arrested for the same time period.

Arrest dispositions for adult felonies and misdemeanors varied considerably between 1968 and 1974. The felony arrests resulted in a 10 percent increase in those being filed upon while the misdemeanor arrests resulted in a 5 percent reduction in complaints filed.

Table VI

CALIFORNIA TOTAL ARRESTS  
BY AGE  
1968-1973

		<u>Total Arrests</u>	<u>* Violent (%)</u>	<u>Property</u>	<u>Agencies</u>	<u>Population</u>
Adult	1968	532,228	27,272	65,987	317	15,940,947
Juvenile		259,103	6,137 (18.3)	76,362		
Adult	1969	608,082	30,946	72,117	304	15,910,289
Juvenile		274,340	6,996 (18.4)	77,647		
Adult	1970	647,574	31,215	77,744	304	16,591,898
Juvenile		279,602	7,545 (19.4)	77,688		
Adult	1971	658,271	33,203	87,730	276	15,770,035
Juvenile		279,429	8,944 (21.2)	81,973		
Adult	1972	768,841	40,348	92,964	332	16,391,246
Juvenile		280,170	12,458 (23.5)	85,425		
Adult	1973	714,958	39,917	89,178	335	16,953,987
Juvenile		274,215	13,559 (25.3)	86,661		

\*The percent of juveniles arrested for committing violent crimes in California increased from 1968 to 1973.

Compiled by the Uniform Crime Reporting Section of the Federal Bureau of Investigation U.S. Dept. of Justice, Washington, D.C. 20535

Table VII  
NATIONAL TOTAL ARRESTS  
BY AGE  
1968-1973

		<u>Total Arrests</u>	<u>* Violent (%)</u>	<u>Property</u>	<u>Agencies</u>	<u>Population</u>
Adult	1968	4,159,761	154,617	378,687	4,812	145,306,000
Juvenile		1,457,078	44,052 (22.1)	466,720		
Adult	1969	4,362,031	167,998	410,788	4,759	143,815,000
Juvenile		1,500,215	48,196 (22.2)	481,495		
Adult	1970	4,909,830	187,309	497,040	5,270	151,604,000
Juvenile		1,660,643	54,596 (22.5)	531,818		
Adult	1971	5,169,880	210,907	551,322	5,649	155,446,000
Juvenile		1,796,942	62,302 (22.8)	570,005		
Adult	1972	5,219,210	231,666	552,294	6,195	160,416,000
Juvenile		1,793,984	67,555 (22.5)	562,614		
Adult	1973	4,782,498	224,469	531,294	6,004	154,995,000
Juvenile		1,717,366	65,913 (22.6)	547,548		

\*The percent of juveniles arrested for committing violent crimes nationally remained approximately the same.

Compiled by the Uniform Crime Reporting Section of the Federal Bureau of Investigation U.S. Dept. of Justice, Washington, D.C. 20535

#### IV RECOMMENDATIONS WITH COMMENTS

##### Recommendation #1

##### RELATIVE TO A STUDY AND REFORM OF JUVENILE LAW

That the legislature assign to a commission and appropriate committee the study and subsequent reform of juvenile law to include, but not be limited to:

- juvenile facilities and staffing.
- juvenile court procedures.
- detention, filing of petitions, dispositions, case review, appeals and subpoenas.
- juvenile and criminal records.
- the question and resolution of the conflict between the adversary role vs. the advocacy role of the court, trial by peers, bail.
- the role of the judge, hearing officer, referee, District Attorney, Public Defender and Probation Officer.
- the question and resolution of decentralized community-based courts and juvenile facilities; family courts.
- diversion units prior to entering the justice system.
- services for the emotionally disturbed minor.
- the study of today's adolescent.

The areas to be included in the proposed study were recommended by witnesses, juvenile justice personnel, agencies, institutions, and young and adult citizens.

The study and reform of juvenile law can best be undertaken by a commission and legislative committee. Both bodies working in a concerted way can help draft proposed laws that directly represent the expressed needs of constituents.

A commission working with a legislative committee increases representation and facilitates carrying out specific tasks.

An outline of what constitutes a committee and a commission follows:

<u>Committee</u>	<u>Commission</u>
Consists of members of the Legislature.	Can consist of members of the Legislature and members appointed by the Governor and/or citizen members appointed by a committee, or the courts or as spelled out.
Ascertains facts and makes recommendations as to any subject within the scope of legislative regulation or control.	Members' term of office is spelled out.
Studies subjects, and reports results of study in recommendations to the next Legislature.	Other members may come from legislative staff (i.e. Legislative Counsel).
Established by vote.	Can work under a committee.
The Committee is discontinued when the subject does not require further study.	Can spell out specific duties and prohibitions (i.e. "The commission is required to examine law and statutes... receive thereto for the purpose of...recommending needed reforms.")
	Established by vote or resolution.

For an example of a commission, a description of The California Law Revision Commission is presented.

### The California Law Revision Commission

The California Law Revision Commission was created in 1953.<sup>27</sup>

The commission consists of one Member of the Senate and one Member of the Assembly, who constitute a joint investigating committee, and seven members appointed by the Governor with the advice and consent of the Senate. The members appointed by the Governor hold office for a term of four years. The Legislative Counsel is an ex officio nonvoting member.<sup>28</sup> The members appointed by the Governor receive a per diem of \$20 for attendance at meetings and their expenses of travel.<sup>29</sup>

The commission selects one of its members as chairman,<sup>30</sup> and is authorized to employ an executive secretary<sup>31</sup> and such other employees as may be necessary.<sup>32</sup> The members of the commission and its employees are prohibited from advocating the passage or defeat of legislation unless requested to do so by the committee or its chairman.<sup>33</sup>

The State Library, all other state agencies,<sup>34</sup> and the Board of Governors of the State Bar<sup>35</sup> are required to assist the commission in its work.

The commission is required to examine the common law and statutes of the state and judicial decisions, and to receive and consider suggestions relative thereto, for the purpose of discovering defects and anachronisms in the law and recommending needed reforms.<sup>36</sup> It is also required to recommend the express repeal of statutes repealed by implication or held unconstitutional.<sup>37</sup> At each regular session of the Legislature, the commission is required to report to the Legislature on its studies and submit a list of topics to be studied. Before any topic is studied by the commission it must be approved by concurrent resolution of the Legislature.<sup>38</sup> Its reports, which may include exhibits and legislative proposals,<sup>39</sup> must be submitted to the Governor, to the Legislature, and to the heads of all state departments.<sup>40</sup> The reports, exhibits, and proposed legislative measures must be printed by the State Printing Office under the supervision of the commission.<sup>41</sup>

The commission is required to cooperate with legislative committees, and may contract with such committees to render services to them.<sup>42</sup> It is also authorized to cooperate with any bar association or other learned, professional or scientific association,<sup>43</sup> and may, with the approval of the Director of General Services, contract with colleges, universities, schools of law or other research institutions, or with qualified individuals to perform research for the commission.<sup>44</sup>

<sup>27</sup> Government Code, Sections 10500-10528.  
<sup>28</sup> Government Code, Section 10500.  
<sup>29</sup> Government Code, Section 10727.  
<sup>30</sup> Government Code, Section 10300.  
<sup>31</sup> Government Code, Section 10301.  
<sup>32</sup> Government Code, Section 10302.  
<sup>33</sup> Government Code, Section 10303.  
<sup>34</sup> Government Code, Section 10304.  
<sup>35</sup> Government Code, Section 10305.  
<sup>36</sup> Government Code, Section 10306.  
<sup>37</sup> Government Code, Section 10307.  
<sup>38</sup> Government Code, Section 10308.  
<sup>39</sup> Government Code, Section 10309.  
<sup>40</sup> Government Code, Section 10310.  
<sup>41</sup> Government Code, Section 10311.  
<sup>42</sup> Government Code, Section 10312.  
<sup>43</sup> Government Code, Section 10313.  
<sup>44</sup> Government Code, Section 10314.

The Los Angeles County Bar Association has also recommended the formation of a commission to study and recommend juvenile law legislation. A copy of their request follows.

REPORT OF THE LOS ANGELES COUNTY BAR ASSOCIATION  
JUVENILE COURTS COMMITTEE

LOS ANGELES COUNTY BAR ASSOCIATION

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SAMUEL L. WILLIAMS

May 17, 1974

TO: Board of Trustees

The Juvenile Courts Committee requests that the Board of Trustees forward the enclosed report to the Governor supporting the Committee's recommendation that:

- 1) A commission be appointed to look into the specific problems pointed out in the report, but not necessarily limited to those problems;
- 2) The commission be appointed with the intention of having interests from all communities represented in the same manner as the commission that was appointed to study and recommend family law legislation; and
- 3) Judge William P. Hogoboom be appointed a member of the commission since he is presiding judge of the juvenile court and previously served on the family law commission.

In addition, the Committee will convene again with the thought of describing potential changes and recommendations at the local level, which we hope the Board would consider and support in whatever way possible. Hopefully such recommendations would be forthcoming for presentation to the trustees in June.

Sincerely,

*Gary T. Wienerman*  
Gary T. Wienerman, Chairman  
Juvenile Courts Committee

I. Introduction

Evaluating the system of juvenile justice operative in Los Angeles County is to observe that, at best, it functions on a day-to-day basis within rules established by the Legislature and the Courts and, at worst, it fails miserably in terms of protecting and promoting the best interests of the child. If the system fails the child, it fails society as well, for what serves the best interests of children also constitutes the best interests of society.

Many of those involved in the operation of the juvenile court system in this county are persons of good will who share a commitment to the protection of society and the saving of children. But frustration is experienced at every level. Courts are overburdened. Rehabilitation facilities and services are inadequate. Law enforcement personnel are frustrated because cases diligently prepared by them are dismissed as a result of the failure of their agency, or other agencies over which they have little or no control, to afford juvenile court matters the priority they deserve. Police officers and other subpoenaed witnesses frequently fail to appear in court on the day of the trial. Many of those involved in juvenile court cases wonder whether the interests of children, parents and society are best served by the adversary nature of the juvenile justice system which, they believe, allows many parents and children to escape the consequences of their conduct.

More than any other branch of government, the juvenile justice system is deserving and in immediate need of qualified personnel, adequate physical facilities and, above all, orientation away from family dislocation and punishment and toward the rehabilitation of children and parents and the preservation of the family unit. Prompt legislative inquiry and action is imperative.

Examination of reports prepared by the Department of Public Social Services and the Probation Office reveal the failure of the juvenile court process to deal effectively with the causes of parental abuse and neglect, child runaways and truancy, and juvenile delinquency. A shocking percentage of parents charged with child abuse under Welfare and Institutions Code Section 600 suffered abuse as children at the hands of their own parents. Similarly, Probation reports of adults convicted of serious crimes indicate that the vast majority of them, as youthful offenders under Section 602 or as runaways or truants under Section 601, had significant contacts with the agencies that serve the court.

Since a separate juvenile justice system was conceived a century ago, the philosophical underpinnings have remained wedded to the parens patriae approach while courtroom proceedings have assumed the atmosphere of criminal trials. Perhaps somewhere to the right of parens patriae and to the left of strict adherence to constitutional due process lies some potential area for a juvenile justice system which can isolate and deal effectively with the causes of parental deficiency and juvenile delinquency at the time the problems are first brought to the attention of the authorities.

This report does not purport to offer solutions to the systemic dysfunctioning plaguing the Los Angeles County Juvenile Court. But the report does attempt to analyze some of the system's most pressing problems and suggest consideration of alternative policies, procedures and practices.

II. Outline of Juvenile Court Procedures

The juvenile court system currently operative in Los Angeles County is structured pursuant to the provisions of the Juvenile Court Act of 1961. Set forth below is a summary of the procedures followed in hearings that are conducted once a minor has been taken into custody under Welfare and Institutions Code Sections 600, 601 or 602.

(1) If the minor is not released, he is brought to a juvenile detention facility and the governmental agency involved--Department of Public Social Services in dependency proceedings and the Probation Department in truancy, runaway and delinquency matters--determines whether to file a petition and then whether to release or detain the minor pending an initial court hearing. Notwithstanding the obligation to conduct an independent investigation, the usual basis for making the determination to detain or release is an oral or written report communicated by referring agencies or persons. If the recommendation is that the minor be detained, a petition must be filed within two court days after the minor is taken into custody, and a detention hearing must be conducted the judicial day after filing. 1./

(2) At the detention hearing, a commissioner reads the allegations of the petition and asks the parents or the minor--depending upon whether the action is one for dependency or delinquency--whether an admission or denial of the allegations will be entered. If the allegations of the petition are denied, the commissioner calendars an adjudication hearing, approximately two weeks from the date of the detention hearing. At the same time, the commissioner makes a determination whether the minor should be detained until

/ Where the minor is not detained, the case is referred to the appropriate agency for investigation to determine whether a petition should be filed. In such cases, the necessity of detention hearing does not arise.

the adjudication hearing on the basis of a written recommendation furnished by the agency which filed the petition, and on the basis of comments of the minor, parents, or any other relevant evidence. Where the recommendation is detention in proceedings under Section 602, the minor may request a "Dennis H. Hearing," 2./ in which the prosecutor is required to establish a prima facie case for continued detention. It is in dispute as to whether the Dennis H. holding applies to proceedings under Section 601.

(3) The adjudication hearing conducted two weeks later approximates an adversary trial without a jury conducted in adult court. The petitioner in that hearing has the burden of proving the facts alleged in the petition. If the allegations in the petition are found to be untrue at the adjudication hearing, the matter is dismissed, and the minor is released. However, if the allegations are found to be true and the petition is sustained, the referee schedules a disposition hearing for a date two weeks later in the same courtroom.

(4) At the disposition hearing, the commissioner reviews the report and recommendation submitted by a DPSS or Probation Officer. On the basis of that report as well as any testimony that may be offered by any of the parties to the action, the referee determines whether the minor should be made a ward of the Court and placed in the home of his parents under agency supervision, the home of relatives or friends, a foster home, or in Section 602 cases, the County camp or the California Youth Authority.

(5) Eleven months following the disposition hearing, in Section 600 cases, another proceeding is conducted to review the progress of the case and determine whether the court's jurisdiction should continue and, if the child is to remain a ward of the court, whether the child should reside with his parents or in a foster facility. In Sections 601 and 602 proceedings, a non-appearance report is submitted with respect to whether jurisdiction is to continue.

III. System in Operation

The principal participants in most juvenile court proceedings include a referee appointed by judges of the Superior Court, a deputy district attorney, in delinquency cases a deputy public defender, a private attorney, or one or more court-appointed attorneys where a conflict of interest occurs, or where there are multiple defendants, and in dependency cases privately-retained or court appointed attorneys for parents.

From 9:00 a.m. to 4:30 p.m., less breaks for lunch and recess, a referee must try to hear all matters on his appearance calendar and review files on the non-appearance calendar. The calendars are overcrowded at all juvenile courthouses and wholly unpredictable and unmanageable at most. It is not uncommon for a single courtroom to be assigned 75 hours of hearing which a referee is required to deal with during a 6 1/2 hour day, assuming the courtroom is operating at maximum efficiency. As a consequence, he spends as much time trying to determine which cases are ready to be heard, as he does actually hearing them, although the institution of a master calendar system has somewhat alleviated that problem. These observations were validated by the 1974 Calendar Study sponsored by the Presiding Judge, which showed that a referee spends most of his time moving the cases along either by granting continuances or conducting hearings in a rushed atmosphere. The Calendar Study also revealed that many commissioners were sitting on the bench less than 50% of a courtroom day.

Usually there is only one district attorney assigned to each hearing room. Since theoretically he is in court all day, he is permitted little or no time to prepare for the next day's cases during ordinary working hours. As the district attorney works alone, he also must check to see if witnesses are present. Since there are an overwhelming number of cases on any given day, and the calendar already is bogged down, the district attorney can spend an inordinate amount of time chasing down witnesses, which only reinforces the slow pace at which cases are heard.

The fact that the district attorney must worry about getting cases into court has been aggravated by an inefficient subpoena process and a general disregard for the 8:30 a.m. appearance time. Since cases are not heard on time and witnesses often spend an entire day in hallways, it is understandable that victims, police officers and other witnesses are not eager to be on time to stand or sit in the corridor. Referees generally are reluctant to issue contempt citations, especially in light of the fact that a case may not be heard on that day even if a witness could be coerced to appear. But this reluctance to issue contempt citations does not help to encourage witnesses to arrive at court on time, and only contributes to the breakdown of the calendar.

Like the District Attorney's, the Public Defender's Office has a severe caseload problem. During the course of the day, the public defender likewise must interview minors, parents and witnesses, prepare his cases, chase down witnesses, and try matters that are ready to be heard. A public defender, however, often will have hearings in more than one courtroom. Since at branch courts there is no calendar control to coordinate the calendars among the hearing rooms, a matter may be ready to be heard in one hearing room, while the public defender assigned to that case may be tied up on a matter in another hearing room. Moreover, his time often is wasted running between hearing rooms to see which of his cases, if any, is ready to proceed to trial.

The costs of the inefficiency of the hearing process may not be completely obvious. However, a complete log of court days in various courtrooms compiled by the Calendar Study reflects the inordinate amount of time spent by referees and attorneys in facilitating the calendar.

The physical facilities at most juvenile courts in Los Angeles are deplorable. Minors, parents, relatives, witnesses, police officers, social workers, doctors and school officials are forced to wait, frequently for hours and often for days, in hallways which are overcrowded, uncomfortable and generally unpleasant. Seating is inadequate and, where it exists, uncomfortable. Noise in the corridors exceeds tolerance levels both inside and outside courtrooms. For many witnesses, this may be the first contact with the court system. The environment described above surely is not one which suggests respect or confidence in the court system.

#### IV. Invoking the Juvenile Court Process

Currently petitions to have a minor declared a dependent or ward of the court are filed by DPSS or Probation, often without the benefit of an independent investigation conducted by either agency and, except in limited situations, in the absence of any review by the District Attorney's Office to evaluate the legal sufficiency of the cases. In many cases, witnesses are subpoenaed by the agencies without consultation with the District Attorney's Office, and the prosecution is not involved in cases to any significant extent until he reads the file the day of the hearing. The absence of pre-filing review procedures results in clogging court calendars with many cases that should not be filed and which are not able to be sustained at the time of trial. The heavy caseloads resulting from such current practices create extreme time pressures upon the court calendar resulting in hasty adjudications of serious cases and ultimate dismissals of less serious matters.

The circumstances which prompt the filing of a dependency or delinquency petition often point to environmental factors which, if not altered, can predictably lead to further and future anti-social behavior on the part of the minor or child neglect or abuse by his parents. Many such cases, while not legally sufficient to justify the assumption of the court's jurisdiction, nonetheless warrant the rendering of a form of professional assistance, counseling or therapy to the parties involved. However, once petitions in those cases are dismissed, the parents or minors feel vindicated. Consequently, any opportunity to motivate parents or children to focus on the underlying problem and seek or accept assistance in dealing with it is lost.

Moreover, the fact that, even after petitions are sustained, a great majority of children in both dependency and delinquency cases are returned to the home of their parents under minimal DPSS or Probation supervision strongly suggests that, as a practical matter, invoking the jurisdiction may not be warranted

and may not be the wisest expenditure of judicial and legal resources.

An alternative to existing procedures that might be considered could involve filing petitions in cases which after investigation indicated facts of a sufficiently serious nature to warrant removing the child from the home for a substantial period of time. The remaining, less serious matters could be diverted to social agencies for assistance without invoking the court process. The filing of substantially fewer cases would significantly relieve the pressure on the court calendar and perhaps enable the court to properly adjudicate the more flagrant infractions.

The authority to decide whether to divert the case to social agencies or to recommend that the District Attorney file the petition should be made by experts in the areas of child dependency and delinquency. Moreover, the decision-makers should have the resources to conduct extensive investigations into cases referred to it. In the event diversion was deemed an appropriate response, the social agencies could be required to provide necessary services. If parents or minors declined to participate in a diversion plan, or the plan failed due to the fault of parents or minors, a recommendation could be made to the District Attorney's Office to file a petition.

#### V. Detention Processes

In 1960, the Governor's Special Study Committee on Juvenile Justice reached the conclusion that the large numbers of children being detained was unwarranted and posed a serious social problem. Recent evidence suggests that the problem identified in 1960 remains largely unabated. The law's solution in far too many instances, and particularly in those cases where children are returned to the home a short while later under agency supervision, is to remove the child from the home and shift him to a foster facility where the impairment of identity formation is risked.

One of the existing statutory standards for removal, that of "immediate and urgent necessity", is vague in the sense of providing courts with a set of workable criteria for determining whether circumstances warrant the child's removal from the home. Moreover, in the absence of an independent investigation by the filing agency, the court must rely, for example, on the agency's one-sentence recommendation and on a police report which rarely indicated whether the incident giving rise to the petition was an isolated one or part of a pattern of anti-social behavior. In view of the lack of meaningful information furnished the court at the detention hearing, judges understandably operate on the assumption that detention is warranted if the prosecuting agency has recommended it, notwithstanding the fact that the agency has not conducted an independent investigation and evaluation.

The detention hearing standards should be modified so that it reflects the value of a family setting as well as the need

to provide necessary services to solve what is essentially a family problem. The approach employed should be one which would delay the removal and placement process and concentrate on improving the administration of children's services within welfare and probation departments. In a majority of cases, removal should be permitted only on a showing that agencies have exhausted their resources in attempting to improve the situation. A way to achieve those objectives, in dependency cases for example, would be to adopt a standard which would require the court to inquire whether the child's physical health was in immediate and substantial danger, and whether there were any reasonable means or social services available to insure his physical health while maintaining him in his home. If, at the detention hearing, the court had the benefit of a workable standard and an independent investigation report showing such services either were available or had been exhausted, the court would be in a position to determine whether or not detention was warranted.

#### VI. Gaining Jurisdiction over the Minor in Section 600 Cases

One problem in Section 600 cases is that the present statutory standard at adjudication hearings is vague in that it fails to indicate, even in general terms, the kinds of incidents that will bring a minor within the jurisdiction of the court. As a result, when allegations in petitions are proven, the court invariably sustains the petition even though it is in no position to be certain that the jurisdictional prerequisites have been met. Given the vagueness of the standard and since there is no requirement that commissioners articulate their reasons for assuming jurisdiction of the child, it is virtually impossible for parents or minors to argue on appeal that the referee's decision failed to satisfy the statutory standard.

A preferable standard would inform parents and children of the minimal obligations society expected them to perform as well as the nature and extent of the breach that would bring children within the jurisdiction of the court. For example, in dependency cases, the statute should articulate that the difference between excessive discipline and child abuse and the situations in which a single act, as opposed to a pattern of anti-social behavior, would justify dependency. Currently, for example, a single indiscretion or mistake in judgment that does not substantially endanger the child or society may provide a sufficient jurisdictional basis for making the child a dependent of the court.

#### VII. Placement and Supervision of Minors Declared Wards or Dependents of the Court

In determining whether a child who has become a ward of the court should be placed in the home of his parents under agency supervision, a foster home, or an institutional setting, the court frequently relies exclusively upon the dispositional recommendation prepared and submitted by DPSS or Probation.

The recommendation usually offered is stated in very general terms, leaving the details of placement outside the home or supervision within the home to the discretion of DPSS or Probation. No program is submitted to the court at the disposition hearing, or at any other hearing, outlining the agency's plan for counseling, treating or rehabilitating minors, parents, or both. Consequently, the court, in routinely adopting the agency's recommendation, delegates virtually its entire responsibility for rehabilitation to the agency. This delegation is made on the assumption that adequate foster care and social services exists to effectively deal with the problems in the case. For several reasons, delegation to the social agencies in fact serves to frustrate the objectives of both dealing with the minor's needs for stability and continuity and increasing the parent's ability to assume an appropriate parenting role.

In part, frustration results from agency failure to recognize that dependency and delinquency problems are produced by deficiencies in the family environment. The agency's response to such problems is one that is designed to protect society and not focus on improving the family environment.

In dependency cases, protection is afforded the minor by placement in his own home under DPSS supervision or in a foster home. However, rarely is a comprehensive plan, without court supervision, formulated to deal with parenting deficiencies or stresses in the parent-child relationship. Where placement is outside the home, the apparent assumption is that family separation --and time--will prove sufficient to alleviate such deep-seated problems as child abuse. And when placement is in the home, the primary role of the supervising dependency worker appears to be that of a policeman to insure that the parent's prior anti-social behavior toward that child is not repeated.

In delinquency cases, society is protected from a repetition of the minor's anti-social conduct by placement in an institutional setting or in his own home under Probation Department supervision. Again, the focus is upon managing the youth's acting out and not upon dealing with the deficiencies in the home environment that produced the minor's anti-social behavior. No comprehensive plan for rehabilitation of juvenile delinquents is presented.

Compounding the problem of agency focus is that of the quality of available foster care, institutionalization, and agency services. Repeated studies reveal that foster homes frequently have a negative effect on a child's development. Foster children frequently are shifted from home to home and spend their critical growth years in limbo. Foster children also experience a disproportional amount of serious problems in school performance as well as medical and emotional problems. Moreover, foster homes fail to support the objective of returning children to their natural homes, and are prohibitively costly to the state and the individual child. Finally, the studies show foster families are licensed if the home meets certain physical prerequisites such as size of the back yard and quality of fencing, and not on the capability of families to meet the psychological needs of minors placed with them.

It is questionable whether commitments to the California Youth Authority are successful in terms of realizing the rehabilitative goals of the juvenile justice system.

Additionally, effective supervision by DPSS dependency workers or Probation officers has been seriously hampered by heavy caseloads, lack of specialized training, a shortage of available agency-sponsored therapeutic services, and a failure to utilize existing community-based counseling services. These systemic limitations do not permit workers to perform a meaningful role in the rehabilitation process and relegate them to an inspector function.

When the minor is in placement or under court supervision, the code should clearly articulate the responsibilities of parents. There should be a further requirement that courts and the social agencies disclose to parents what action will be required of them before their child will be permitted to return home. The source disclosures should be made to the minor. At the same time, parents should be afforded rights to agency treatment or services when the state intervenes on behalf of the family, and the further right to an administrative hearing with regard to decisions made relative to the child while in placement or with regard to treatment or services.

If the minor has remained outside his home for a period of eighteen months to two years, depending on the age of the minor, the social agency should be permitted to file an adoption action to have the minor declared free from the control and custody of his parents. In such an adoption proceeding, the burden of proof must be on the petitioning agency to show that a rehabilitation plan was implemented, that rehabilitative treatment and services have been exhausted, and that a parent-child relationship cannot be resumed without a serious detrimental effect on the child or society. Furthermore, the court should insure consideration of other alternatives such as placement in the home of relatives, guardianship or long-term foster care.

#### VIII. Need to Redefine the Role and Qualifications of Hearing Officers, Attorneys and Agency Personnel

An earlier section of this report suggested that overwhelming juvenile court caseloads were preventing hearing officers from effectively controlling calendars and adjudicating cases. The report also has referred to the impact of caseloads on the ability of attorneys involved in the juvenile court process to effectively discharge their responsibilities toward the interests they represent. However, caseload reductions alone, through the establishment of a diversion process, will not alleviate the serious underlying problems posed by the absence of criteria for appointing hearing officers, the lack of expertise on the part of some Deputy District Attorneys and Defense Counsel now appearing in juvenile court proceedings, and the frequently conflicting and self-defeating roles social agencies currently are expected to assume, and the failure to provide representation for all parties to the proceedings.

(a) Qualifications of Hearing Officers

The vast majority of juvenile court proceedings in Los Angeles County are conducted in their entirety before commissioners sitting as referees. Unlike Superior Court judges, who must have been practicing attorneys for at least ten years prior to their appointment, commissioners are only required to have practiced for a five-year period.

Unlike other civil and criminal proceedings in which parties must affirmatively waive the right to a judge before a commissioner is authorized to preside over a case, juvenile court proceedings do not require such a waiver by the parties with respect to a referee. In effect, parents in Section 600 cases and minors in Sections 601 and 602 matters are denied the opportunity of having a Superior Court judge determine the issues involved in their case. Compounding this problem is the fact that "as-needed referees" who are practicing attorneys invited to sit as referees, are used extensively as juvenile court hearing officers in Los Angeles County.

Among juvenile court practitioners there exists a pervasive lack of respect for the referees who hear juvenile matters. Because they occupy their positions at the pleasure of Superior Court judges and since their decisions technically are subject to review by the presiding juvenile court judge, many referees are reluctant to assert themselves and deal with difficult decisions out of a fear of displeasing a higher authority, such as the Superior Court judges who appointed them and who are in a position to jeopardize their job security. It has been suggested that only a regularly-elected or appointed Superior Court judge is able to command the respect essential to conducting juvenile court proceedings. This suggestion is based on the premise that only a judge enjoys the independence necessary to be assertive and not permit himself to be dominated by attorneys in his courtroom.

Notwithstanding problems which may be inherent in any judge-appointed commissioner system, the consensus among juvenile court prosecutors and defense counsel with whom this committee talked is that by temperament and training a substantial number of commissioners in Los Angeles County are ill-equipped with the specialized nature and the emotionally draining atmosphere of juvenile court proceedings. While it is theoretically possible for attorneys to avoid inadequate commissioners, the use of the affidaviting process, as a practical matter, is unrealistic for busy practitioners, since when utilized, transferred cases are placed at the end of the new commissioner's daily calendar. Furthermore, most private counsel in conflict cases understandably are reluctant to employ the affidaviting process since their continued placement on the appointments list demands their maintenance of cordial relationships with judges and commissioners.

If the present system is to be effective it seems essential that criteria be established to determine individual interest and potential effectiveness in dealing with the specialized problems of children and their parents.

Prior to assignment to juvenile court, judges, commissioners, and referees should undergo an examination as to their qualifications. Those whose qualifications are found wanting should not be assigned duties in juvenile court.

(b) Role, Expertise and Interest of Counsel

No less serious is the apparent misconception about the role of attorneys in the juvenile court process. The District Attorney's Office, which assists the Probation Department and DPSS in ascertaining and presenting evidence in juvenile court proceedings, by its nature as a prosecuting agency, is primarily concerned with obtaining what in effect is a conviction. As a consequence, the proceedings have become adversary in nature, and the Public Defender, along with court-appointed attorneys for minor and parents, must be concerned primarily with obtaining a dismissal of charges against their clients. The best interests of both parents and children in juvenile court proceedings may require that attorneys recognize that such cases frequently involve serious underlying family problems and that their role, as attorneys, is to propose alternative methods of dealing with those problems.

In order to deal with such underlying family problems, the possibility of staffing juvenile courts with district attorneys and public defenders who have a specialized interest and expertise in dealing with juvenile problems should be considered. By the same token, before a private attorney should be permitted to represent minors or parents, such an attorney should meet specialized qualifications necessary to provide effective representation in juvenile court proceedings. The specialization requirement could be satisfied, for example, by demonstrating that he had completed a series of training sessions in juvenile court practice. Court appointments of private attorneys should not be viewed as a training ground for recent admittees as it all too frequently is now.

(c) Role of Agency Personnel

The desirability of having the District Attorney or some other entity investigate and review each case prior to the filing of a petition was noted previously. The reason why such a practice would be desirable is that not only is the district attorney in a better position to evaluate the legal sufficiency of a particular case, but the involvement of a social agency in the accusatory phase poses several serious problems. First, since DPSS or Probation ultimately will assume responsibility for case supervision after the child has been made a ward of the court, their involvement in the accusatory phase may seriously jeopardize their subsequent ability to work successfully with parents or minors. Second, since the immediate interest of the agency once the petition is filed is that of gathering sufficient information to insure that the petition is sustained at the adjudication hearing, the agency has neither the time nor the psychological inclination to begin working with minors or their parents prior to the disposition. As a consequence, valuable rehabilitation time is lost. Also, the minor or his parents have little trust in the agency that files the petition

against them.

(d) Representation of Minors and Parents

In Section 600 proceedings, most parents are members of racial or ethnic minority groups, and 95% of the parents are classified as indigent and are unable to afford counsel to represent their interests at dependency proceedings. Neither statutory nor case authority require the appointment of counsel for indigent parents. However, in Los Angeles County, counsel are appointed by order of the presiding judge in Section 600 cases.

A statutory change providing for appointment of counsel for indigent parents should be considered since the enormous interests parents have in dependency proceedings can be protected only if they have legal representation. In addition to serving as spokesman for a frequently inarticulate parent, the attorney's relationship with the parents may enable him to give the court and DPSS new and meaningful insights into the family situation. Of equal importance, the attorney can interpret the court processes to the parent before, during, and after hearings and thereby assist the parent in accepting the adjudication and dispositional order.

Unlike cases involving runaways, truants and delinquents, children in dependency proceedings are not provided their own counsel. Since such prosecutions focus on parental misconduct rather than on the anti-social behavior of the minor, the operative presumption is that no potential conflict of interest exists between the prosecuting social agency--DPSS--and the child. Frequently, however, the minor's description of the parental conduct differs markedly from the testimony of the witnesses called by the district attorney or defense counsel, and neither counsel has an interest in eliciting information which is inconsistent with its position. The conflict usually is more apparent at the disposition hearing where the DPSS recommendation for suitable placement outside the home is at odds with the minor's desire to return or stay home. In cases where children are sufficiently mature to recall and relate the facts or are able to articulate whether they fear or do not fear returning home, consideration should be given to the appointment of a child advocate that represents the interests of the minor in Section 600 proceedings.

Because juvenile laws fall short of their objectives, it is imperative that efforts be mobilized to humanize the juvenile justice system. Protecting vested interests in any part of the system should be avoided if these interests are not contributing to rehabilitation and human growth.

The appalling, dismal, grim surroundings of juvenile facilities; the sad, frightened, angry faces of young people; and the dehumanizing rules and regulations under which California helps children in trouble are mandates for immediate change.

Witnesses at the Select Committee hearings offered many recommendations regarding juvenile laws and court procedures.

All witnesses stressed the inadequacy of juvenile facilities and the limited number of juvenile court personnel.

A judge stated that the system needed more defense lawyers, judges, prosecutors, probation officers, clerks, and commissioners. To do a good job, he felt there should be a substantial increase in juvenile officers. District Attorneys, Police, and Public Defenders also stressed the need for more judges.

A Public Defender said that judges were needed because judicial personnel consist largely of referees; many of whom were unqualified or marginally qualified according to his view.

The Police Department reported that Probation Departments are understaffed and, unable to adequately supervise juveniles.

Other needs voiced were for additional clerks to provide for more coordination in the system; an improved subpoena system; and referrals to judges who previously handled the juvenile.

Although many witnesses reported that there was a need for new legislation, others felt that if the laws and the tools of the laws were used properly, they would be adequate.

It was noted that if laws could solve the problem of juvenile violence they already would have done this. The American Civil Liberties Union said that before legislators act, they should consider whether a new law is really needed, and whether it violates the constitutional rights of others.

Witnesses voiced concern that the system was too big and should be reorganized into smaller units and placed in various communities.

Breaking the justice system down into areas would bring the juvenile court process closer to the community, and witnesses, victims, and parents could then easily get to the court.

An alternative solution was to consolidate the Municipal and Superior Courts and put them under a presiding judge who would be elected by the voters and responsible to the public.

In addition to changes in court procedures, witnesses testified that there needed to be a change in the classification and rights of juvenile offenders.

One District Attorney suggested making the criteria for serious offenders less stringent so that juveniles could be processed through adult courts. A need for a philosophy of accountability was stressed because, it was felt, that currently there is no requirement that a juvenile be held accountable for his conduct.

There were differing views given regarding the right of jury trial. Those in opposition, felt that if juveniles were given this privilege, they might as well be called adults and processed through the adult court.

One witness felt that attempts at improving the juvenile court system were useless and that the only solution was to include juveniles in the adult process. He felt it was wrong to deny juveniles the elements of due process of law; mainly trial by jury and bail. He stated that the sole difference between juvenile and adult courts should be suppression and sentencing.

One area of intense debate was the role of the District Attorney (DA) in juvenile proceedings; especially with Sections 601 and 602 petitions.

Some individuals felt that the DA should have concurrent jurisdiction with the Probation Department in the filing of 601 and 602 petitions. It was argued that the Probation Officer lacked the legal background in many cases to adequately prepare the case. In addition, the differing roles of the Probation Officer were discussed. He literally wears two hats - one of prosecutor, and one of rehabilitator. In general, most witnesses were not satisfied with how the Probation Department functions.

Some witnesses opposed legislation that would give the DA concurrent jurisdiction in 601 and 602 petitions. A judge felt that the Probation Department should determine whether or not a petition should be filed, but that these petitions should

be reviewed by a DA for legal determination regarding filing.

The District Attorneys felt that they needed more control over some of the juvenile pleadings; particularly with reference to criminal acts. In addition, it was suggested that more time be given for the preparation of criminal cases.

The legislative concerns which have been given to the Select Committee suggest major changes in present juvenile laws. Effective laws and a successful juvenile justice system are key contributors in reducing juvenile delinquency. The proposal relative to a study and reform of juvenile law will begin this process of reduction.

Recommendation #2

REVISING THE TREATMENT OF NON-CRIMINAL JUVENILE OFFENDERS

It is recommended that the legislature revise the treatment of non-criminal juvenile offenders who are charged under Section 601 of the Welfare and Institutions Code.

Juveniles who are made wards of the courts because of truancy or incorrigibility should be separated from juvenile offenders who have been convicted of a crime. Alternative placements and rehabilitative services would be utilized. Priority would be placed on maintaining the least restraint and punishment environment possible until all reasonable efforts to rehabilitate the juvenile have been tried.

This recommendation was originally developed by the California Assembly Symposium on Services to Children and Youth, with a follow-up bill drafted by staff members from the Assembly Select Committee on Juvenile Violence and the Senate Select Committee on Penal Institutions. The bill (AB 4120) is included in this discussion.

Young people arrested in California can be processed through juvenile courts under three sections of the state Welfare and Institutions Code.

Section 602 is cited for juveniles committing acts defined by law as criminal. Such acts include arson, theft, forgery, burglary, rape, assault, and murder.

Section 600 has been used in practice to authorize courts to intervene on behalf of mistreated or abused children. Such children are not cited as criminals, but need protection.

The third section, 601, is a broadly worded statute originally designed to protect non-criminal but troubled young people. For their own welfare, persons under 18 years of age who are in danger of leading an "idle, dissolute, lewd, or immoral life" may be made wards of the court.

There have been many problems involved with young people processed under "601's". They are:

- a) There is no evidence that non-criminal minors processed through the court under 601 have benefitted. In fact, a 1970 report of the Assembly Interim Committee on Criminal Procedures points to the contrary.
- b) Young persons processed under Section 601 have been treated, in practice, like those brought to court under Section 602, as criminals. This has been caused, in part, by the lack of alternative facilities or opportunities with which to deal with non-criminal young people.
- c) The kinds of activity involved in rehabilitating "601's" is presently beyond the capabilities of court and probation officers. Neither have the necessary resources to act effectively as agents of social welfare.
- d) There is a major intrusion made on the rights of young people. Under Section 601, people can be deprived of freedom for acts which, even if unacceptable by many, would not be subject to court action if committed by persons 18 years or over.

The courts are not presently set up to assist young people who are troubled. The orientation of the courts towards social problems is legalistic. Courts exist to settle disputes, determine guilt, levy punishment. The court functions in a world of definite alternatives; not situations that are ambivalent, changing, and little understood.

A young person processed under Section 601 is in a situation involving his family and/or the school. The problem is often complex and compounded by socio-psychological factors. A court disposition often further compounds the issue.

The probation officer's role in 601 cases is difficult. Because of limited time, resources, and sometimes skills, the officer's success is determined by whether the juvenile is caught again; rather than by evaluation of real behavioral patterns, attitudes, or social outlook. The officer may view incidents as plus or minus, rather than as a transactional situation. Also, because of time constraints, minors with borderline behavioral problems are far down on the priority list.

In summary, California presently has an inadequate juvenile court system, backed up by an inadequate array of resources that are supposed to cope on a rehabilitative level with problems simply beyond its scope. The best the court can hope to do with 601's is to control the young person's future behavior. This may mean punishment if the young person does not conform.

The entire justification for Section 601 intervention is that the specific behavior which brings the young person before the court is symptomatic of deeper, more serious problems. The court is asked to deal with those problems, not the symptoms.

Not only is the court not able to cope with the real, underlying problems of youth brought before it on a 601 petition, it is hardly able to cope with the symptoms.

Therefore, there is a need to revise the treatment of non-criminal juvenile offenders who are processed under Section 601. These juveniles who are made wards of the courts should be separated from juvenile offenders processed through Section 602. Alternative placements and rehabilitative services must be utilized.

AB 4120, a bill revising the treatment of non-criminal juvenile offenders was drafted and introduced during the previous 1973-74 regular legislative session. The bill passed out of the Assembly, and was sent to the Senate Judiciary Committee where it was referred to interim study. The bill, authored by Assemblyman Julian Dixon, chairman of the Select Committee, will be introduced at the beginning of the next session ('74-'76). Amendments to the bill will be added.

A copy of AB 4120 follows:

AMENDED IN ASSEMBLY AUGUST 15, 1974

AMENDED IN ASSEMBLY AUGUST 6, 1974

AMENDED IN ASSEMBLY JUNE 20, 1974

AMENDED IN ASSEMBLY JUNE 5, 1974

CALIFORNIA LEGISLATURE—1973-74 REGULAR SESSION

**ASSEMBLY BILL**

**No. 4120**

Introduced by Assemblyman Dixon

April 25, 1974

REFERRED TO COMMITTEE ON CRIMINAL JUSTICE

*An act to amend Sections 601, 602, 725, 727, 730, and 731 of, and to add Sections 506.1 and 727.1 to, the Welfare and Institutions Code, relating to juvenile court law; and making an appropriation therefor.*

LEGISLATIVE COUNSEL'S DIGEST

AB 4120, as amended, Dixon (Crim. J.). Juvenile court law.

Make various changes in juvenile court law, including revising types of treatment that may be ordered for persons declared dependent children and wards of the court.

Operative July 1, 1976.

Appropriates unspecified amount to the State Controller for allocation and disbursement to local agencies for costs incurred by them pursuant to this act.

Provides that there are no state-mandated local costs in act requiring reimbursement in 1974-75 and 1975-76, but that there are state-mandated local costs in 1976-77 and subsequent years which can be handled in the regular state budget

2 4120 15 26

process.

Vote:  $\frac{2}{3}$  majority. Appropriation: *yes no*. Fiscal committee: *yes no*. State-mandated local program: *yes no state funding*.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 506.1 is added to the Welfare and  
2 Institutions Code, to read:

3 506.1. (a) No person taken into custody solely upon  
4 the ground that he is a person described in Section 601 or  
5 adjudged to be such and made a ward of the court  
6 pursuant to this chapter solely upon that ground shall, in  
7 any detention under this chapter, be brought into direct  
8 contact or personal association with any person taken into  
9 custody on the ground that he is a person described by  
10 Section 602 or who has been made a ward of the juvenile  
11 court on such ground.

12 In this regard the board of supervisors shall provide  
13 separate facilities for the housing of persons alleged or  
14 adjudicated to come within the provisions of Section 601.  
15 If a juvenile is alleged or adjudicated to come within  
16 subdivision (a) or (b) of Section 601, such person shall be  
17 housed in a nonsecure juvenile facility. If, however, such  
18 a juvenile has previously run away from a nonsecure  
19 facility as defined in subdivision (c), he may be detained  
20 in a juvenile hall.

21 (b) Notwithstanding any other provision of law, all  
22 records of detention or adjudication relating to any  
23 person taken into custody solely upon the ground that he  
24 is a person described in Section 601, or adjudged to be  
25 such shall be destroyed upon the person attaining the age  
26 of majority.

27 (c) For the purposes of this section "nonsecure  
28 juvenile facility" means a community care facility  
29 licensed pursuant to Chapter 3 (commencing with  
30 Section 1500) of Division 2 of the Health and Safety Code,  
31 or a facility maintained by a public agency in which food  
32 and lodging is provided for juveniles with no physical  
33 restrictions on the movement of such juveniles. It shall  
34 not include a juvenile hall, juvenile home, camp, forestry

1 camp, or ranch.

2 SEC. 2. Section 601 of the Welfare and Institutions  
3 Code is amended to read:

4 601. Any person under the age of 18 years who comes  
5 within any of the following descriptions is within the  
6 jurisdiction of the juvenile court.

7 (a) Any person who persistently or habitually refuses  
8 to obey the reasonable and proper orders or directions of  
9 his parents, guardian, custodian or school authorities, or  
10 who is beyond the control of such person, or any person  
11 who is a habitual truant from school within the meaning  
12 of any law of this state or any person who commits an  
13 age-specific offense.

14 (b) Any person who comes within the description of  
15 subdivision (a) and has violated the terms of the informal  
16 probation referred to in subdivision (a) of Section 725 or  
17 who has run away from a nonsecure facility as that term  
18 is defined in Section 506.1 prior to disposition of his case  
19 by the juvenile court may being adjudged a ward of the  
20 court under this subdivision.

21 (c) Any person who has violated an order of the  
22 juvenile court subsequent to being adjudged a ward of  
23 the court under subdivision (b) of this section.

24 (d) For the purposes of this section "age-specific  
25 offense" means an act that is prohibited by law solely on  
26 the basis of the age of the perpetrator.

27 SEC. 3. Section 602 of the Welfare and Institutions  
28 Code is amended to read:

29 602. Any person who is under the age of 18 years  
30 when he violates any law of this state or of the United  
31 States or any ordinance of any city or county of this state  
32 defining crime, excluding age-specific offenses, is within  
33 the jurisdiction of the juvenile court, which may adjudge  
34 such person to be a ward of the court. Failure to obey any  
35 lawful order of the juvenile court described by Section  
36 601 is not a ground for declaring a person to be within the  
37 jurisdiction of the juvenile court under this section. For  
38 the purposes of this section "age-specific offense" means  
39 an act that is prohibited by law solely on the basis of the  
40 age of the perpetrator.

1 SEC. 4. Section 725 of the Welfare and Institutions  
2 Code is amended to read:

3 725. After receiving and considering the evidence on  
4 the proper disposition of the case, the court may enter  
5 judgment as follows:

6 (a) If the court has found that the minor is a person  
7 described by subdivision (a) of Section 601 it shall  
8 without adjudging such minor a ward of the court place  
9 such minor on informal probation for a period not to  
10 exceed six months.

11 (b) If the court has found that the minor is a person  
12 described by subdivision (b) or (c) of Section 601, or  
13 Section 602, it may without adjudging such a minor a  
14 ward of the court place such a minor on informal  
15 probation for a period not to exceed six months.

16 (c) If the court has found that the minor has been  
17 placed on informal probation pursuant to subdivision (a)  
18 and has failed to complete a successful period of informal  
19 probation the minor may be adjudged a ward of the court  
20 under subdivision (b) of Section 601.

21 (d) If the court has found that the minor is a person  
22 described by Section 600, it may order and adjudge the  
23 minor to be a dependent child of the court.

24 SEC. 5. Section 727 of the Welfare and Institutions  
25 Code is amended to read:

26 727. When a minor is adjudged a dependent child of  
27 the court, on the ground that he is a person described by  
28 Section 600 or has been adjudged a ward of the court on  
29 the ground that he is a person described in subdivision  
30 (b) or (c) of Section 601, the court may make any and all  
31 reasonable orders for the care, supervision, custody,  
32 conduct, maintenance, and support of such minor,  
33 including medical treatment, subject to further order of  
34 the court.

35 The court may order the care, custody, control and  
36 conduct of such minor to be under the supervision of the  
37 probation officer or may commit such minor to the care,  
38 custody and control of:

39 (a) Some reputable person of good moral character  
40 who consents to such commitment.

1 (b) Some association, society, or corporation  
2 embracing within its objects the purpose of caring for  
3 such minors, with the consent of such association, society,  
4 or corporation.

5 (c) The probation officer, to be boarded out or placed  
6 in some suitable family home or suitable private  
7 institution, subject to the requirements of Chapter 1  
8 (commencing with Section 16000) of Part 4 of Division 9;  
9 provided, however, that pending action by the State  
10 Department of Social Welfare, the placement of a minor  
11 in a home certified as meeting minimum standards for  
12 boarding homes by the probation officer shall be legal for  
13 all purposes.

14 (d) Any other public agency organized to provide  
15 care for needy or neglected children.

16 When a minor is adjudged a dependent child of the  
17 court, on the ground that he is a person described by  
18 subdivision (d) of Section 600 and the court orders that  
19 a parent or guardian shall retain custody of such minor  
20 subject to the supervision of the probation officer, the  
21 parent or guardian shall be required, as a condition of his  
22 continued custody of such minor, to participate in a  
23 counseling program to be provided by an appropriate  
24 agency designated by the court.

25 (e) When a minor has been adjudged a ward of the  
26 court on the grounds that he is a person described in  
27 subdivision (b) or (c) of Section 601 and the court orders  
28 that a parent or guardian shall retain custody of such  
29 minor subject to the supervision of the probation officer,  
30 the parent or guardian shall be required, as a condition  
31 of his continued custody of such minor, to participate  
32 with such minor, in a counseling program to be provided  
33 by an appropriate agency designated by the court.

34 SEC. 6. Section 727.1 is added to the Welfare and  
35 Institutions Code, to read:

36 727.1. When a minor is adjudged a ward of the court  
37 on the ground that he is a person described in subdivision  
38 (c) of Section 601, or Section 602, the court may order the  
39 care, custody, control and conduct of such minor to be  
40 under the supervision of the probation officer to be

1 placed in a community care facility licensed pursuant to  
2 Chapter 3 (commencing with Section 1500) of Division 2  
3 of the Health and Safety Code or other nonsecure  
4 institution as that term is defined in Section 506.1.

5 SEC. 7. Section 730 of the Welfare and Institutions  
6 Code is amended to read:

7 730. When a minor is adjudged a ward of the court on  
8 the ground that he is a person described by subdivision  
9 (c) of Section 601 and has violated the terms of probation  
10 imposed by Section 727.1, or Section 602, the court may  
11 order any of the types of treatment referred to in Section  
12 727, and as an additional alternative, may commit the  
13 minor to a juvenile home, ranch, camp or forestry camp.  
14 If there is no county juvenile home, camp, forestry camp,  
15 or ranch within the county, such county may contract  
16 with another county for placement.

17 Persons committed to such facilities shall be segregated  
18 pursuant to Section 506.1.

19 When such ward is placed under the supervision of the  
20 probation officer or committed to his care, custody and  
21 control, the court may make any and all reasonable  
22 orders for the conduct of such ward including the  
23 requirement that he go to work and earn money for the  
24 support of his dependents or to effect reparation and in  
25 either case that he keep an account of his earnings and  
26 report the same to the probation officer and apply such  
27 earnings as directed by the court. The court may impose  
28 and require any and all reasonable conditions that it may  
29 determine fitting and proper to the end that justice may  
30 be done and the reformation and rehabilitation of the  
31 ward enhanced.

32 SEC. 8. Section 731 of the Welfare and Institutions  
33 Code is amended to read:

34 731. When a minor is adjudged a ward of the court on  
35 the ground that he is a person described by Section 602,  
36 the court may order any of the types of treatment  
37 referred to in Sections 727, 727.1, and 730, and as an  
38 additional alternative, may commit the minor to the  
39 county juvenile hall or the Youth Authority.

40 SEC. 9. The provisions of this act shall be operative

1 July 1, 1976.

2 SEC. 10. The sum of        dollars (\$      ) is  
3 hereby appropriated from the General Fund to the State  
4 Controller for allocation and disbursement to local  
5 agencies pursuant to Section 2231 of the Revenue and  
6 Taxation Code to reimburse such agencies for costs  
7 incurred by them pursuant to this act.

8 SEC. 10. There are no state-mandated local costs in  
9 this act that require reimbursement under Section 2231  
10 of the Revenue and Taxation Code in 1974-75 and  
11 1975-76 because there are no duties, obligations or  
12 responsibilities imposed on local government in 1974-75  
13 and 1975-76 by this act. However, there are  
14 state-mandated local costs in this act in 1976-77 and  
15 subsequent years that require reimbursement under  
16 Section 2231 of the Revenue and Taxation Code which  
17 can be handled in the regular state budget process.

O

Recommendation #3

A STUDY OF THE RIGHTS OF YOUNG PEOPLE

It is recommended that the legislature assign to an appropriate committee the study of rights of young people to explore the premise that age should not be the criterion which determines when a person may participate in various aspects of our economy and society.

Witnesses at the Select Committee hearings stated that there are many forms of legitimized violence in the world today, so it should not be surprising that the determination of whether physical force is good or bad in a given situation begins to depend on the individual's perspective rather than society's regulations.

Witnesses further said that young people have become a problem simply because they have begun to notice that they are isolated and have no control over things; they are creating waves by acting out. This behavior creates problems for the administrative structures that are charged with controlling young people. In many instances, people directly responsible for caring for, or educating young people, many times run out of solutions, and sometimes abdicate their roles.

Violence, voiced by some, was not letting young people who are socially and economically deprived, and who are experiencing growing feelings of frustration or pent-up hostility get these feelings out.

One suggestion advanced was to modify existing child labor laws. Modification would act as a catalyst in moving labor management and educational facilities toward common goals. These goals, cooperatively reached, would be to utilize juvenile skills and to provide relevant learning alternatives for people.

Underlying these comments is a fundamental concept of rights, roles, duties, and responsibilities.

California needs to insure fundamental rights of children, and to develop approaches which will meet both old and new problems. California has a reputation for leading the nation in providing for its children. It presently is spending over \$4 billion annually to feed, educate, punish, shelter, and care for its young people. The funds are often duplicated, uncoordinated, wasteful, and ineffective.

After studying how services to children and youth operate in California, the California Assembly Symposium on Services to Children and Youth recommended reforming specific practices in the overall system. In April, 1974, they reported:

"...as a group, young people have so few means to speak for themselves. Many instances of public willingness to treat children as something less than people have been described in the task force reports published previously by this Symposium.

The Symposium has concluded that these problems will persist in their worst forms until we begin to secure rights for children...Securing these rights for children would involve dismantling the double standard with which we deal with children.

...we need to ask ourselves if we as a society are doing the best we can to let children grow out of their helplessness and into mature responsibilities as effectively as we can.

An approach towards answering questions could begin by exploring the premise of age discrimination. It is appropriate that a legislative committee, assisted by an Advocacy Commission or Children's Planning group, be assigned the task of studying the rights of young people. The study would explore the fundamental premise of age as a criterion for participation in various aspects of society.

The study would include, but not be limited to, the rights of young people in the areas of labor, contracts, custody, education, and health. A discussion of these areas follows.

Labor. The original intent of child labor laws was to protect California's young people from being employed under unsafe or hazardous working conditions.

Many of the child labor laws originally enacted in 1937 were taken directly out of the federal child labor legislation the previous year. Most have undergone little or no revision since first enacted.

Although the laws originally were designed to protect minors, many young people say that the laws actually are a barrier to them.

They point out that many laws relating to minors are archaic and obstructive. Youth question whether young people of the seventies should be regulated by laws that were intended for minors of the thirties and forties.

Present laws appear to be inconsistent with society's view of modern day youth. Today, youth are represented as being more mature, plus emotionally and physically more competent than the youth of previous decades.

Custody. The best interests of children is the paramount factor in child custody cases arising out of dissolution of marriage. The court is to rule in favor of the child's welfare and best interests.

However, the child's best interests may not always be brought out or realized during a custody dispute. The child is not a party to the marriage dissolution; only the mother and father are parties to the action. Each parent is represented by legal counsel; the child is not represented by legal counsel.

A question of adequate representation arises.

Education. In California, full time school attendance is compulsory until a person reaches 18 years of age or graduates from high school. Students attending school for twelve years are subject to many rules, regulations, and laws.

Using the U.S. Constitution as a guide, it was recommended that in terms of equity, validity and reasonableness current laws should be questioned.

One witness reported that some of the factors that foster juvenile violence are the seemingly arbitrary procedures used in disciplinary measures. He said that presently there are

no requirements that minimal standards of fairness be afforded students in California. As a result, when students realize that school officials can and do expel, transfer and impose suspensions without uniform procedures, students react with increased cynicism, belligerence and aggressive hostility.

Laws concerning grounds for suspension and expulsion, suspension procedures, corporal punishment, and pupil personnel records should be examined.

In summary, a study of the rights of young people would examine the assumption that youth are incompetent and that they must have attained certain ages in order to be permitted to prove their capabilities.

This assumption ignores the great variety in young people's abilities and may inhibit growth and the resultant acceptance of responsibility for one's own behavior.

Recommendation #4

ESTABLISHMENT OF JUVENILE JUSTICE CENTERS

It is recommended that the legislature establish a planning body assigned to an appropriate legislative committee to develop Juvenile Justice Centers which would coordinate the component parts of the criminal justice system.

A plan for the establishment of a Juvenile Justice Center has been formulated in the County of Los Angeles.

A copy of the plan follows.

Juvenile  
Justice  
Center

AD HOC COMMITTEE ON JUVENILE JUSTICE

Allen Breed - Director, California Youth Authority

Hon. Joseph P. Busch - District Attorney, County of Los Angeles

Edward M. Davis - Chief, Los Angeles Police Department

Hon. William P. Hogoboom - Presiding Judge, Los Angeles County Juvenile Court

Dr. William J. Johnston - Superintendent of Schools, City of Los Angeles

Kenneth E. Kirkpatrick - Chief Probation Officer, Los Angeles County

Donald A. Koepple - President, Urban Coalition

Hon. Alfred J. McCourtney - Presiding Judge, Los Angeles County Superior Court

Hon. Burt Pines - City Attorney, City of Los Angeles

Hon. Peter J. Pitchess - Sheriff, Los Angeles County

-1-

BACKGROUND

On May 31, 1973, the AD HOC Committee on Juvenile Justice, created by a parent group of Criminal Justice Agency Heads, appointed Judge William P. Hogoboom to chair a committee to develop an experimental plan for the implementation of a Juvenile Justice Center in Los Angeles County.

On June 1, 1973, Judge Hogoboom appointed Judge David V. Kenyon to act as chairman of a sub-committee consisting of representatives of the principal agencies involved directly or indirectly in the juvenile justice system. The following is a summary of the program developed by that sub-committee.

THE PROBLEM

In July 1971, the State of California released an extensive study of the correctional system in the state entitled the "Correctional System Study" (more commonly known as the "Keldgord Report"). Although this study does not specifically include the juvenile intake process, the following observation was made:

*One aspect of the problem is the lack of coordination among the component parts of the criminal justice system. It is self-evident that the actions and responsibilities of the police, the courts, the probation department, the jails, the juvenile halls, the juvenile institutions and camps, and other agencies not mentioned are inextricably and necessarily related one to the other. The policy and actions of the police have dramatic consequences for the courts and the defense and prosecuting systems. In turn, the policies of the court have important consequences for the jails. Whether it is operatively recognized*

-2-

or not, all of the components of criminal justice live in a precarious, uneasy relationship with one another. Too little coordination, or an absence of coordination, among these components of criminal justice brings a toll of heavy costs and low effectiveness.

As it relates to the juvenile justice system in Los Angeles County, this is the primary problem addressed by the Juvenile Justice Center. It is firmly believed that the improvement in communication and interaction between the people responsible for the operation of the system, will result in significantly improved effectiveness.

#### THE CONCEPT

Briefly stated, the Juvenile Justice Center will bring together, into a single facility, representatives of the different parts of the system. The Center will house a Juvenile Court and will be staffed by representatives from the following agencies:

LOS ANGELES COUNTY JUVENILE COURT  
LOS ANGELES COUNTY PROBATION DEPARTMENT  
LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE  
LOS ANGELES COUNTY PUBLIC DEFENDER'S OFFICE  
LOS ANGELES CITY SCHOOLS  
LOS ANGELES COUNTY SHERIFF'S DEPARTMENT  
LOS ANGELES POLICE DEPARTMENT  
LOS ANGELES COUNTY DEPARTMENT OF COMMUNITY SERVICES  
CALIFORNIA YOUTH AUTHORITY

All juvenile offenders having residence in the target area will be referred to the Justice Center. There, a screening committee consisting of representatives from police, probation and schools, will evaluate each case and recommend to the chairman (representing the Probation Officer) the disposition considered to be most effective in the interests of protecting the community and rehabilitating the minor.

Many cases will be diverted to public or private agencies for treatment without involvement in the Judicial system. Others can be handled on a brief service basis by requiring restitution or some other remedy as a condition of closure. For those cases where the services of the juvenile court are necessary and recommended by the Probation Officer, the District Attorney will review the petition for legal sufficiency.

All cases referred to the Center will be reviewed jointly by police, schools and probation. Although the pre-court disposition will be made by the Probation Officer, it will be after listening to the arguments and recommendations of the law enforcement and school representatives.

Another feature of the program is the involvement of a Community Advisory Board. In order to make the Justice Center more responsive to the needs of the community, they will have a voice in its philosophy and operation. Representatives will be chosen from among parents, teachers, students and others representing a cross section of the community.

#### OBJECTIVES

A primary objective of the Juvenile Justice Center will be to improve the communication and cooperation between the community, law enforcement, schools, probation and the court in an effort to provide a true "systems" approach to the alleviation of the delinquency problem.

Specific quantifiable objectives are:

1. The reduction in recidivism rate of first offenders within the test area over a one-year period as compared with the recidivism rate in a control area.

2. A reduction in juvenile arrests within the test area over a one-year period as compared with a control area.
3. Reduction in recidivism among the "hard core" offenders (juveniles having five (5) or more felony arrests) within the test area as compared with a control area.
4. A reduction in the recidivism rate of "hard core" offenders within the test area as compared with the past recidivism rate of "hard core" offenders within the target area.

It is believed that if these objectives are met that the overall delinquency and crime rate in the test area can be significantly reduced.

#### EVALUATION

The measurement of the above objectives is to be achieved through an evaluation by an independent contractor. Data will be collected over a one-year period and compared with data produced in a similar "control" area as well as previous statistics in the test area.

If the Juvenile Justice Center proves itself after an independent evaluation, it would serve as a model for implementation of the concept in other areas of the County.

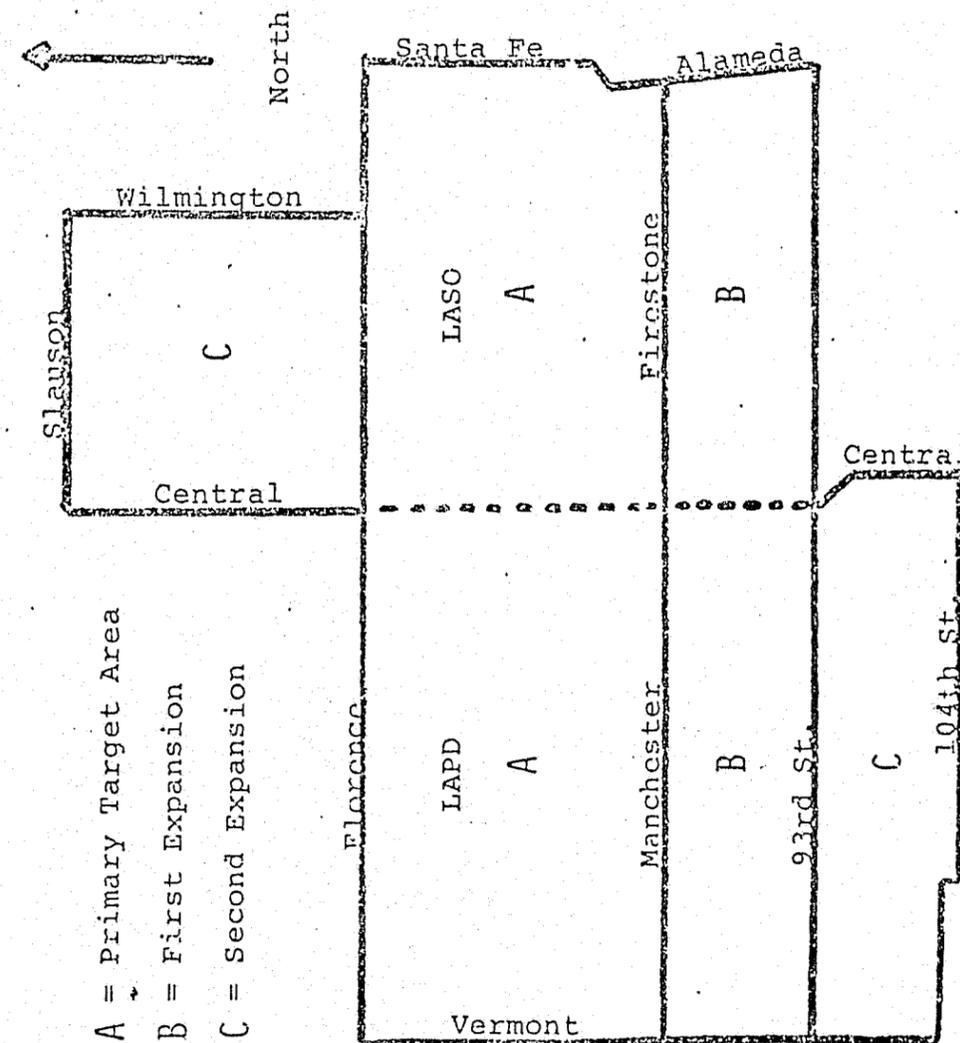
#### THE TEST AREA

The actual location of the Juvenile Justice Center is to be determined and will depend upon the availability of suitable space. Pepperdine University has been mentioned as a possible site. They have expressed interest in a lease arrangement for one of their buildings.

The test area, in South Central Los Angeles, is policed by both the Los Angeles Police Department

and the Sheriff's Department. It has a traditionally high juvenile crime rate which has been recently aggravated by a sharp increase in gang activity.

Tentative boundaries of the area are indicated on the diagram below.



PROGRAM COSTS

Following is a summary of the estimated costs of the Juvenile Justice Center:

	<u>TOTAL</u>	<u>EXISTING</u>	<u>NEW</u>
ADMINISTRATIVE (incl. eval.)	102,646	7,015	95,631
SUPERIOR COURT	92,184	76,106	16,078
COUNTY CLERK	34,886	17,157	17,729
PROBATION DEPT.	198,347	106,618	91,729
SHERIFF'S DEPT.	42,371	42,371	-0-
DISTRICT ATTY.	68,239	68,239	-0-
PUBLIC DEFENDER	90,252	32,015	58,237
COMMUNITY SERVICES	18,638	18,638	-0-
<u>SUB-TOTAL (COUNTY COSTS)</u>	<u>647,563</u>	<u>368,159</u>	<u>279,404</u>
LAPD	24,447	24,447	-0-
LA CITY SCHOOLS	61,380	61,380	-0-
CALIF. YOUTH AUTHORITY	7,971	7,971	-0-
<u>TOTAL COST</u>	<u>741,361</u>	<u>461,957</u>	<u>279,404</u>

12/73

-7-

At present, there is no agency which is able to assume full responsibility for the treatment and disposition of juvenile offenders. The Center is an attempt to alleviate problems of unsatisfactory coordination and administration of justice to juveniles.

The inclusion of community and non-traditional agencies and groups is crucial in the operation of the proposed legislative study. This inclusion differs from the Los Angeles County Plan, which includes only traditional agencies (i.e. police, probation, schools).

Since juvenile violence is a total community problem, any effective solution of the problem must involve concerned community groups and citizens. Community groups, in concert with traditional agencies and institutions, must mesh their collective energies together to solve the problems.

STATE-WIDE COMMUNITY-BASED DIVERSION PROGRAMS

It is recommended that the legislature work with the Office of Criminal Justice Planning, Department of Education, California Youth Authority, Department of Health, and the Attorney General's Office in planning State-wide community-based programs to divert juveniles from the traditional juvenile justice system, and to provide critically needed alternatives to institutionalization. soon.

The participation in the planning of diversion programs should facilitate the implementation of the Federal Juvenile Justice and Delinquency Prevention Act of 1974.

Emphasis would be placed on providing technical assistance to community-based programs, services, and alternatives; especially during the initial planning and proposals writing periods.

All witnesses discussed the effectiveness of diverting young people away from the juvenile justice system. Innovative alternative approaches to supplement or replace the efforts of traditional institutions and groups were suggested.

Youth Service Bureaus, which presently are providing alternative approaches, were part of a recommendation by the 1967 President's Commission on Law Enforcement and Administration of Justice. The Commission urged communities to establish bureaus to serve both delinquent and non-delinquent youth referred by the police, juvenile courts, schools, and other sources.

A witness stated that Youth Service Bureaus were effective in keeping young people with minor offenses out of the justice system and diverting them to other programs. This saves the resources of the justice system for those who are truly a threat to society.

The U.S. National Advisory Commission on Criminal Justice Standards and Goals reported that neighborhood agencies providing community services for young people can be important elements in the prevention and reduction of crime and delinquency.

With the problems inherent in delivering services to juveniles, diversion emerges as a strong need. Diversion has been defined as "the process whereby problems otherwise dealt with in a context of delinquency and official action will be defined and handled by other non-justice system means."

Often, local community groups that can effectively work with juveniles lack the technical skills involved in proposal writing and working through the traditional "system."

The proposed recommendation emphasizes giving on-going direct technical assistance to community-based programs, especially during the initial planning and proposal writing periods.

This proposal further coordinates the planning of state-wide diversion programs. This planning should facilitate the implementation of the Federal Juvenile Justice and Delinquency Prevention Act of 1974. This act provides a comprehensive coordinated approach to the problem of juvenile delinquency.

Senator Birch Bayh prefaced the introduction of the act (which is now Public Law 93-415) by saying:

"It is often said, with much validity, that the young people of this country are our future. How we cope with children in trouble, whether we are punitive or constructive, or a degree of both, whether we are vindictive or considerate will measure our success -- and it will measure the depth of our conscience."

A copy of the act follows.



Public Law 93-415  
93rd Congress, S. 821  
September 7, 1974

**An Act**

To provide a comprehensive, coordinated approach to the problems of juvenile delinquency, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Juvenile Justice and Delinquency Prevention Act of 1974".

Juvenile Justice and Delinquency Prevention Act of 1974.  
42 USC 5601 note.

**TITLE I—FINDINGS AND DECLARATION OF PURPOSE**

**FINDINGS**

Sec. 101. (a) The Congress hereby finds that—

42 USC 5601.

- (1) juveniles account for almost half the arrests for serious crimes in the United States today;
  - (2) understaffed, overcrowded juvenile courts, probation services, and correctional facilities are not able to provide individualized justice or effective help;
  - (3) present juvenile courts, foster and protective care programs, and shelter facilities are inadequate to meet the needs of the countless, abandoned, and dependent children, who, because of this failure to provide effective services, may become delinquents;
  - (4) existing programs have not adequately responded to the particular problems of the increasing numbers of young people who are addicted to or who abuse drugs, particularly nonopiate or polydrug abusers;
  - (5) juvenile delinquency can be prevented through programs designed to keep students in elementary and secondary schools through the prevention of unwarranted and arbitrary suspensions and expulsions;
  - (6) States and local communities which experience directly the devastating failures of the juvenile justice system do not presently have sufficient technical expertise or adequate resources to deal comprehensively with the problems of juvenile delinquency; and
  - (7) existing Federal programs have not provided the direction, coordination, resources, and leadership required to meet the crisis of delinquency.
- (b) Congress finds further that the high incidence of delinquency in the United States today results in enormous annual cost and immeasurable loss of human life, personal security, and wasted human resources and that juvenile delinquency constitutes a growing threat to the national welfare requiring immediate and comprehensive action by the Federal Government to reduce and prevent delinquency.

88 STAT. 1109  
88 STAT. 1110

**PURPOSE**

Sec. 102. (a) It is the purpose of this Act—

42 USC 5602.

- (1) to provide for the thorough and prompt evaluation of all federally assisted juvenile delinquency programs;
- (2) to provide technical assistance to public and private agencies, institutions, and individuals in developing and implementing juvenile delinquency programs;

Pub. Law 93-415

- 2 -

September 7, 1974

(3) to establish training programs for persons, including professionals, paraprofessionals, and volunteers, who work with delinquents or potential delinquents or whose work or activities relate to juvenile delinquency programs;

(4) to establish a centralized research effort on the problems of juvenile delinquency, including an information clearinghouse to disseminate the findings of such research and all data related to juvenile delinquency;

(5) to develop and encourage the implementation of national standards for the administration of juvenile justice, including recommendations for administrative, budgetary, and legislative action at the Federal, State, and local level to facilitate the adoption of such standards;

(6) to assist States and local communities with resources to develop and implement programs to keep students in elementary and secondary schools and to prevent unwarranted and arbitrary suspensions and expulsions; and

(7) to establish a Federal assistance program to deal with the problems of runaway youth.

(b) It is therefore the further declared policy of Congress to provide the necessary resources, leadership, and coordination (1) to develop and implement effective methods of preventing and reducing juvenile delinquency; (2) to develop and conduct effective programs to prevent delinquency, to divert juveniles from the traditional juvenile justice system and to provide critically needed alternatives to institutionalization; (3) to improve the quality of juvenile justice in the United States; and (4) to increase the capacity of State and local governments and public and private agencies to conduct effective juvenile justice and delinquency prevention and rehabilitation programs and to provide research, evaluation, and training services in the field of juvenile delinquency prevention.

88 STAT. 1110  
88 STAT. 1111

**DEFINITIONS**

42 USC 5603.

Sec. 103. For purposes of this Act—

(1) the term "community based" facility, program, or service means a small, open group home or other suitable place located near the juvenile's home or family and programs of community supervision and service which maintain community and consumer participation in the planning operation, and evaluation of their programs which may include, but are not limited to, medical, educational, vocational, social, and psychological guidance, training, counseling, alcoholism treatment, drug treatment, and other rehabilitative services;

(2) the term "Federal juvenile delinquency program" means any juvenile delinquency program which is conducted, directly, or indirectly, or is assisted by any Federal department or agency, including any program funded under this Act;

(3) the term "juvenile delinquency program" means any program or activity related to juvenile delinquency prevention, control, diversion, treatment, rehabilitation, planning, education, training, and research, including drug and alcohol abuse programs; the improvement of the juvenile justice system; and any program or activity for neglected, abandoned, or dependent youth and other youth who are in danger of becoming delinquent;

(4) the term "Law Enforcement Assistance Administration" means the agency established by section 101(a) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended;

42 USC 3711.

(5) the term "Administrator" means the agency head designated by section 101(b) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended;

42 USC 3711.

(6) the term "law enforcement and criminal justice" means any activity pertaining to crime prevention, control, or reduction or the enforcement of the criminal law, including, but not limited to police efforts to prevent, control, or reduce crime or to apprehend criminals, activities of courts having criminal jurisdiction and related agencies (including prosecutorial and defender services, activities of corrections, probation, or parole authorities, and programs relating to the prevention, control, or reduction of juvenile delinquency or narcotic addiction;

88 STAT. 1111

(7) the term "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Trust Territory of the Pacific Islands, and any territory or possession of the United States;

88 STAT. 1112

(8) the term "unit of general local government" means any city, county, township, town, borough, parish, village, or other general purpose political subdivision of a State, an Indian tribe which performs law enforcement functions as determined by the Secretary of the Interior, or, for the purpose of assistance eligibility, any agency of the District of Columbia government performing law enforcement functions in and for the District of Columbia and funds appropriated by the Congress for the activities of such agency may be used to provide the non-Federal share of the cost of programs or projects funded under this title;

(9) the term "combination" as applied to States or units of general local government means any grouping or joining together of such States or units for the purpose of preparing, developing, or implementing a law enforcement plan;

(10) the term "construction" means acquisition, expansion, remodeling, and alteration of existing building, and initial equipment of any such buildings, or any combination of such activities (including architects' fees but not the cost of acquisition of land for buildings);

(11) the term "public agency" means any State, unit of local government, combination of such States or units, or any department, agency, or instrumentality of any of the foregoing;

(12) the term "correctional institution or facility" means any place for the confinement or rehabilitation of juvenile offenders or individuals charged with or convicted of criminal offenses; and

(13) the term "treatment" includes but is not limited to medical, educational, social, psychological, and vocational services, corrective and preventive guidance and training, and other rehabilitative services designed to protect the public and benefit the addict or other user by eliminating his dependence on addicting or other drugs or by controlling his dependence, and his susceptibility to addiction or use.

TITLE II—JUVENILE JUSTICE AND DELINQUENCY PREVENTION

Part A—Juvenile Justice and Delinquency Prevention Office

ESTABLISHMENT OF OFFICE

Sec. 201. (a) There is hereby created within the Department of Justice, Law Enforcement Assistance Administration, the Office of

42 USC 5611.

Juvenile Justice and Delinquency Prevention (referred to in this Act as the "Office").

Administration.

(b) The programs authorized pursuant to this Act unless otherwise specified in this Act shall be administered by the Office established under this section.

88 STAT. 1112

88 STAT. 1113

(c) There shall be at the head of the Office an Assistant Administrator who shall be nominated by the President by and with the advice and consent of the Senate.

(d) The Assistant Administrator shall exercise all necessary powers, subject to the direction of the Administrator of the Law Enforcement Assistance Administration.

(e) There shall be in the Office a Deputy Assistant Administrator who shall be appointed by the Administrator of the Law Enforcement Assistance Administration. The Deputy Assistant Administrator shall perform such functions as the Assistant Administrator from time to time assigns or delegates, and shall act as Assistant Administrator during the absence or disability of the Assistant Administrator or in the event of a vacancy in the Office of the Assistant Administrator.

(f) There shall be established in the Office a Deputy Assistant Administrator who shall be appointed by the Administrator whose function shall be to supervise and direct the National Institute for Juvenile Justice and Delinquency Prevention established under section 241 of this Act.

Post, p. 1125.

(g) Section 5108(c)(10) of title 5, United States Code first occurrence, is amended by deleting the word "twenty-two" and inserting in lieu thereof the word "twenty-five".

PERSONNEL, SPECIAL PERSONNEL, EXPERTS, AND CONSULTANTS

42 USC 5612.

Sec. 202. (a) The Administrator is authorized to select, employ, and fix the compensation of such officers and employees, including attorneys, as are necessary to perform the functions vested in him and to prescribe their functions.

(b) The Administrator is authorized to select, appoint, and employ not to exceed three officers and to fix their compensation at rates not to exceed the rate now or hereafter prescribed for GS-18 of the General Schedule by section 5332 of title 5 of the United States Code.

5 USC 5332

note.

(c) Upon the request of the Administrator, the head of any Federal agency is authorized to detail, on a reimbursable basis, any of its personnel to the Assistant Administrator to assist him in carrying out his functions under this Act.

(d) The Administrator may obtain services as authorized by section 3109 of title 5 of the United States Code, at rates not to exceed the rate now or hereafter prescribed for GS-18 of the General Schedule by section 5332 of title I of the United States Code.

40 Stat. 416.

5 USC 5332

note.

VOLUNTARY SERVICE

42 USC 5613.

Sec. 203. The Administrator is authorized to accept and employ, in carrying out the provisions of this Act, voluntary and uncompensated services notwithstanding the provisions of section 3679(b) of the Revised Statutes (31 U.S.C. 665(b)).

CONCENTRATION OF FEDERAL EFFORTS

42 USC 5614.

Sec. 204. (a) The Administrator shall implement overall policy and develop objectives and priorities for all Federal juvenile delinquency programs and activities relating to prevention, diversion, training,

treatment, rehabilitation, evaluation, research, and improvement of the juvenile justice system in the United States. In carrying out his functions, the Administrator shall consult with the Council and the National Advisory Committee for Juvenile Justice and Delinquency Prevention.

(b) In carrying out the purposes of this Act, the Administrator shall—

(1) advise the President through the Attorney General as to all matters relating to federally assisted juvenile delinquency programs and Federal policies regarding juvenile delinquency;

(2) assist operating agencies which have direct responsibilities for the prevention and treatment of juvenile delinquency in the development and promulgation of regulations, guidelines, requirements, criteria, standards, procedures, and budget requests in accordance with the policies, priorities, and objectives he establishes;

(3) conduct and support evaluations and studies of the performance and results achieved by Federal juvenile delinquency programs and activities and of the prospective performance and results that might be achieved by alternative programs and activities supplementary to or in lieu of those currently being administered;

(4) implement Federal juvenile delinquency programs and activities among Federal departments and agencies and between Federal juvenile delinquency programs and activities and other Federal programs and activities which he determines may have an important bearing on the success of the entire Federal juvenile delinquency effort;

(5) develop annually with the assistance of the Advisory Committee and submit to the President and the Congress, after the first year the legislation is enacted, prior to September 30, an analysis and evaluation of Federal juvenile delinquency programs conducted and assisted by Federal departments and agencies, the expenditures made, the results achieved, the plans developed, and problems in the operations and coordination of such programs. The report shall include recommendations for modifications in organization, management, personnel, standards, budget requests, and implementation plans necessary to increase the effectiveness of these programs;

(6) develop annually with the assistance of the Advisory Committee and submit to the President and the Congress, after the first year the legislation is enacted, prior to March 1, a comprehensive plan for Federal juvenile delinquency programs, with particular emphasis on the prevention of juvenile delinquency and the development of programs and services which will encourage increased diversion of juveniles from the traditional juvenile justice system; and

(7) provide technical assistance to Federal, State, and local governments, courts, public and private agencies, institutions, and individuals, in the planning, establishment, funding, operation, or evaluation of juvenile delinquency programs.

(c) The President shall, no later than ninety days after receiving each annual report under subsection (b) (5), submit a report to the Congress and to the Council containing a detailed statement of any action taken or anticipated with respect to recommendations made by each such annual report.

Duties.

Studies.

Annual analysis and evaluation, submittal to President and Congress.

Annual comprehensive plan, submittal to President and Congress.

Reports to Congress and Council.

Annual reports, contents.

(d) (1) The first annual report submitted to the President and the Congress by the Administrator under subsection (b) (5) shall contain, in addition to information required by subsection (b) (5), a detailed statement of criteria developed by the Administrator for identifying the characteristics of juvenile delinquency, juvenile delinquency prevention, diversion of youths from the juvenile justice system, and the training, treatment, and rehabilitation of juvenile delinquents.

(2) The second such annual report shall contain, in addition to information required by subsection (b) (5), an identification of Federal programs which are related to juvenile delinquency prevention or treatment, together with a statement of the moneys expended for each such program during the most recent complete fiscal year. Such identification shall be made by the Administrator through the use of criteria developed under paragraph (1).

(e) The third such annual report submitted to the President and the Congress by the Administrator under subsection (b) (6) shall contain, in addition to the comprehensive plan required by subsection (b) (6), a detailed statement of procedures to be used with respect to the submission of juvenile delinquency development statements to the Administrator by Federal agencies under subsection (f). Such statement submitted by the Administrator shall include a description of information, data, and analyses which shall be contained in each such development statement.

(f) The Administrator may require, through appropriate authority, departments and agencies engaged in any activity involving any Federal juvenile delinquency program to provide him with such information and reports, and to conduct such studies and surveys, as he may deem to be necessary to carry out the purposes of this part.

(g) The Administrator may delegate any of his functions under this part, except the making of regulations, to any officer or employee of the Administration.

(h) The Administrator is authorized to utilize the services and facilities of any agency of the Federal Government and of any other public agency or institution in accordance with appropriate agreements, and to pay for such services either in advance or by way of reimbursement as may be agreed upon.

(i) The Administrator is authorized to transfer funds appropriated under this title to any agency of the Federal Government to develop or demonstrate new methods in juvenile delinquency prevention and rehabilitation and to supplement existing delinquency prevention and rehabilitation programs which the Assistant Administrator finds to be exceptionally effective or for which he finds there exists exceptional need.

(j) The Administrator is authorized to make grants to, or enter into contracts with, any public or private agency, institution, or individual to carry out the purposes of this part.

(k) All functions of the Administrator under this part shall be coordinated as appropriate with the functions of the Secretary of the Department of Health, Education, and Welfare under the Juvenile Delinquency Prevention Act (42 U.S.C. 3801 et seq.).

(l) (1) The Administrator shall require through appropriate authority each Federal agency which administers a Federal juvenile delinquency program which meets any criterion developed by the Administrator under section 204(d) (1) to submit annually to the Council a juvenile delinquency development statement. Such statement shall be in addition to any information, report, study, or survey which the Administrator may require under section 204(f).

Federal Government services and facilities, utilization.

Transfer of funds.

Grants and contracts.

Coordination with HEW.

Development statement, submittal to Council. Supra.

Annual reports,  
contents.

(d) (1) The first annual report submitted to the President and the Congress by the Administrator under subsection (b) (5) shall contain, in addition to information required by subsection (b) (5), a detailed statement of criteria developed by the Administrator for identifying the characteristics of juvenile delinquency, juvenile delinquency prevention, diversion of youths from the juvenile justice system, and the training, treatment, and rehabilitation of juvenile delinquents.

(2) The second such annual report shall contain, in addition to information required by subsection (b) (5), an identification of Federal programs which are related to juvenile delinquency prevention or treatment, together with a statement of the moneys expended for each such program during the most recent complete fiscal year. Such identification shall be made by the Administrator through the use of criteria developed under paragraph (1).

(e) The third such annual report submitted to the President and the Congress by the Administrator under subsection (b) (6) shall contain, in addition to the comprehensive plan required by subsection (b) (6), a detailed statement of procedures to be used with respect to the submission of juvenile delinquency development statements to the Administrator by Federal agencies under subsection ("1"). Such statement submitted by the Administrator shall include a description of information, data, and analyses which shall be contained in each such development statement.

(f) The Administrator may require, through appropriate authority, departments and agencies engaged in any activity involving any Federal juvenile delinquency program to provide him with such information and reports, and to conduct such studies and surveys, as he may deem to be necessary to carry out the purposes of this part.

(g) The Administrator may delegate any of his functions under this part, except the making of regulations, to any officer or employee of the Administration.

Federal Govern-  
ment services  
and facilities,  
utilization.

(h) The Administrator is authorized to utilize the services and facilities of any agency of the Federal Government and of any other public agency or institution in accordance with appropriate agreements, and to pay for such services either in advance or by way of reimbursement as may be agreed upon.

Transfer of  
funds.

(i) The Administrator is authorized to transfer funds appropriated under this title to any agency of the Federal Government to develop or demonstrate new methods in juvenile delinquency prevention and rehabilitation and to supplement existing delinquency prevention and rehabilitation programs which the Assistant Administrator finds to be exceptionally effective or for which he finds there exists exceptional need.

Grants and  
contracts.

(j) The Administrator is authorized to make grants to, or enter into contracts with, any public or private agency, institution, or individual to carry out the purposes of this part.

Coordination  
with HEW.

(k) All functions of the Administrator under this part shall be coordinated as appropriate with the functions of the Secretary of the Department of Health, Education, and Welfare under the Juvenile Delinquency Prevention Act (42 U.S.C. 3801 et seq.).

Development  
statement, sub-  
mittal to  
Council.  
Supra.

(1) (1) The Administrator shall require through appropriate authority each Federal agency which administers a Federal juvenile delinquency program which meets any criterion developed by the Administrator under section 204(d) (1) to submit annually to the Council a juvenile delinquency development statement. Such statement shall be in addition to any information, report, study, or survey which the Administrator may require under section 204(f).

**CONTINUED**

**1 OF 2**

(2) Each juvenile delinquency development statement submitted to the Administrator under subsection ("I") shall be submitted in accordance with procedures established by the Administrator under section 204(e) and shall contain such information, data, and analyses as the Administrator may require under section 204(e). Such analyses shall include an analysis of the extent to which the juvenile delinquency program of the Federal agency submitting such development statement conforms with and furthers Federal juvenile delinquency prevention and treatment goals and policies.

(3) The Administrator shall review and comment upon each juvenile delinquency development statement transmitted to him under subsection ("I"). Such development statement, together with the comments of the Administrator, shall be included by the Federal agency involved in every recommendation or request made by such agency for Federal legislation which significantly affects juvenile delinquency prevention and treatment.

Juvenile delinquency development statement, review.

JOINT FUNDING

SEC. 205. Notwithstanding any other provision of law, where funds are made available by more than one Federal agency to be used by any agency, organization, institution, or individual to carry out a Federal juvenile delinquency program or activity, any one of the Federal agencies providing funds may be requested by the Administrator to act for all in administering the funds advanced. In such cases, a single non-Federal share requirement may be established according to the proportion of funds advanced by each Federal agency, and the Administrator may order any such agency to waive any technical grant or contract requirement (as defined in such regulations) which is inconsistent with the similar requirement of the administering agency or which the administering agency does not impose.

42 USC 5615.

Non-Federal share requirement. Establishment.

COORDINATING COUNCIL ON JUVENILE JUSTICE AND DELINQUENCY PREVENTION

SEC. 206. (a) (1) There is hereby established, as an independent organization in the executive branch of the Federal Government a Coordinating Council on Juvenile Justice and Delinquency Prevention (hereinafter referred to as the "Council") composed of the Attorney General, the Secretary of Health, Education, and Welfare, the Secretary of Labor, the Director of the Special Action Office for Drug Abuse Prevention, the Secretary of Housing and Urban Development, or their respective designees, the Assistant Administrator of the Office of Juvenile Justice and Delinquency Prevention, the Deputy Assistant Administrator of the Institute for Juvenile Justice and Delinquency Prevention, and representatives of such other agencies as the President shall designate.

Establishment. 42 USC 5616.

Membership.

(2) Any individual designated under this section shall be selected from individuals who exercise significant decisionmaking authority in the Federal agency involved.

(b) The Attorney General shall serve as Chairman of the Council. The Assistant Administrator of the Office of Juvenile Justice and Delinquency Prevention shall serve as Vice Chairman of the Council. The Vice Chairman shall act as Chairman in the absence of the Chairman.

Chairman.

(c) The function of the Council shall be to coordinate all Federal juvenile delinquency programs. The Council shall make recommendations to the Attorney General and the President at least annually with respect to the coordination of overall policy and development of objectives and priorities for all Federal juvenile delinquency programs and activities.

Functions.

Meetings.

(d) The Council shall meet a minimum of six times per year and a description of the activities of the Council shall be included in the annual report required by section 204(b)(5) of this title.

Ante, p. 1114.

(e) (1) The Chairman shall, with the approval of the Council, appoint an Executive Secretary of the Council.

(2) The Executive Secretary shall be responsible for the day-to-day administration of the Council.

(3) The Executive Secretary may, with the approval of the Council, appoint such personnel as he considers necessary to carry out the purposes of this title.

(f) Members of the Council who are employed by the Federal Government full time shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in carrying out the duties of the Council.

Appropriation.

(g) To carry out the purposes of this section there is authorized to be appropriated such sums as may be necessary.

ADVISORY COMMITTEE

National Advisory Committee for Juvenile Justice and Delinquency Prevention. Establishment. 42 USC 5617. Membership.

SEC. 207. (a) There is hereby established a National Advisory Committee for Juvenile Justice and Delinquency Prevention (hereinafter referred to as the "Advisory Committee") which shall consist of twenty-one members.

(b) The members of the Coordinating Council or their respective designees shall be ex officio members of the Committee.

(c) The regular members of the Advisory Committee shall be appointed by the President from persons who by virtue of their training or experience have special knowledge concerning the prevention and treatment of juvenile delinquency or the administration of juvenile justice, such as juvenile or family court judges; probation, correctional, or law enforcement personnel; and representatives of private voluntary organizations and community-based programs. The President shall designate the Chairman. A majority of the members of the Advisory Committee, including the Chairman, shall not be full-time employees of Federal, State, or local governments. At least seven members shall not have attained twenty-six years of age on the date of their appointment.

Terms of office.

(d) Members appointed by the President to the Committee shall serve for terms of four years and shall be eligible for reappointment except that for the first composition of the Advisory Committee, one-third of these members shall be appointed to one-year terms, one-third to two-year terms, and one-third to three-year terms; thereafter each term shall be four years. Such members shall be appointed within ninety days after the date of the enactment of this title. Any members appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed, shall be appointed for the remainder of such term.

DUTIES OF THE ADVISORY COMMITTEE

Meetings. 42 USC 5618. Recommendations to Administrator.

SEC. 208. (a) The Advisory Committee shall meet at the call of the Chairman, but not less than four times a year.

(b) The Advisory Committee shall make recommendations to the Administrator at least annually with respect to planning, policy, priorities, operations, and management of all Federal juvenile delinquency programs.

(c) The Chairman may designate a subcommittee of the members of the Advisory Committee to advise the Administrator on particular functions or aspects of the work of the Administration.

(d) The Chairman shall designate a subcommittee of five members of the Committee to serve, together with the Director of the National Institute of Corrections, as members of an Advisory Committee for the National Institute for Juvenile Justice and Delinquency Prevention to perform the functions set forth in section 245 of this title.

Post, p. 1127.

(e) The Chairman shall designate a subcommittee of five members of the Committee to serve as an Advisory Committee to the Administrator on Standards for the Administration of Juvenile Justice to perform the functions set forth in section 247 of this title.

(f) The Chairman, with the approval of the Committee, shall appoint such personnel as are necessary to carry out the duties of the Advisory Committee.

COMPENSATION AND EXPENSES

SEC. 209. (a) Members of the Advisory Committee who are employed by the Federal Government full time shall serve without compensation but shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in carrying out the duties of the Advisory Committee.

42 USC 5619.

(b) Members of the Advisory Committee not employed full time by the Federal Government shall receive compensation at a rate not to exceed the rate now or hereafter prescribed for GS-18 of the General Schedule by section 5332 of title 5 of the United States Code, including traveltime for each day they are engaged in the performance of their duties as members of the Advisory Committee. Members shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by them in carrying out the duties of the Advisory Committee.

5 USC 5332 note.

PART B—FEDERAL ASSISTANCE FOR STATE AND LOCAL PROGRAMS

Subpart I—Formula Grants

SEC. 221. The Administrator is authorized to make grants to States and local governments to assist them in planning, establishing, operating, coordinating, and evaluating projects directly or through contracts with public and private agencies for the development of more effective education, training, research, prevention, diversion, treatment, and rehabilitation programs in the area of juvenile delinquency and programs to improve the juvenile justice system.

42 USC 5631.

ALLOCATION

SEC. 222. (a) In accordance with regulations promulgated under this part, funds shall be allocated annually among the States on the basis of relative population of people under age eighteen. No such allotment to any State shall be less than \$200,000, except that for the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands no allotment shall be less than \$50,000.

42 USC 5632.

(b) Except for funds appropriated for fiscal year 1975, if any amount so allotted remains unobligated at the end of the fiscal year, such funds shall be reallocated in a manner equitable and consistent with the purpose of this part. Funds appropriated for fiscal year 1975 may be obligated in accordance with subsection (a) until June 30, 1976, after which time they may be reallocated. Any amount so reallocated shall be in addition to the amounts already allotted and available to the State, the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands for the same period.

Reallocation of funds.

(c) In accordance with regulations promulgated under this part, a portion of any allotment to any State under this part shall be available to develop a State plan and to pay that portion of the expenditures which are necessary for efficient administration. Not more than 15 per centum of the total annual allotment of such State shall be available for such purposes. The State shall make available needed funds for planning and administration to local governments within the State on an equitable basis.

Financial assistance, limitation.

Post, p. 1129.

(d) Financial assistance extended under the provisions of this section shall not exceed 90 per centum of the approved costs of any assisted programs or activities. The non-Federal share shall be made in cash or kind consistent with the maintenance of programs required by section 261.

STATE PLANS

42 USC 5633.

SEC. 223. (a) In order to receive formula grants under this part, a State shall submit a plan for carrying out its purposes consistent with the provisions of section 303(a), (1), (3), (5), (6), (8), (10), (11), (12), and (15) of title I of the Omnibus Crime Control and Safe Streets Act of 1968. In accordance with regulations established under this title, such plan must—

42 USC 3733. Requirements.

42 USC 3723.

(1) designate the State planning agency established by the State under section 203 of such title I as the sole agency for supervising the preparation and administration of the plan;

(2) contain satisfactory evidence that the State agency designated in accordance with paragraph (1) (hereafter referred to in this part as the "State planning agency") has or will have authority, by legislation if necessary, to implement such plan in conformity with this part;

Advisory group.

(3) provide for an advisory group appointed by the chief executive of the State to advise the State planning agency and its supervisory board (A) which shall consist of not less than twenty-one and not more than thirty-three persons who have training, experience, or special knowledge concerning the prevention and treatment of a juvenile delinquency or the administration of juvenile justice, (B) which shall include representation of units of local government, law enforcement and juvenile justice agencies such as law enforcement, correction or probation personnel, and juvenile or family court judges, and public agencies concerned with delinquency prevention or treatment such as welfare, social services, mental health, education, or youth services departments, (C) which shall include representatives of private organizations concerned with delinquency prevention or treatment; concerned with neglected or dependent children; concerned with the quality of juvenile justice, education, or social services for children; which utilize volunteers to work with delinquents or potential delinquents; community-based delinquency prevention or treatment programs; and organizations which represent employees affected by this Act, (D) a majority of whose members (including the chairman) shall not be full-time employees of the Federal, State, or local government, and (E) at least one-third of whose members shall be under the age of twenty-six at the time of appointment;

Consultation with local governments.

(4) provide for the active consultation with and participation of local governments in the development of a State plan which adequately takes into account the needs and requests of local governments;

(5) provide that at least 66 $\frac{2}{3}$  per centum of the funds received by the State under section 222 shall be expended through programs of local government insofar as they are consistent with the State plan, except that this provision may be waived at the discretion of the Administrator for any State if the services for delinquent or potentially delinquent youth are organized primarily on a statewide basis;

(6) provide that the chief executive officer of the local government shall assign responsibility for the preparation and administration of the local government's part of a State plan, or for the supervision of the preparation and administration of the local government's part of the State plan, to that agency within the local government's structure (hereinafter in this part referred to as the "local agency") which can most effectively carry out the purposes of this part and shall provide for supervision of the programs funded under this part by that local agency;

(7) provide for an equitable distribution of the assistance received under section 222 within the State;

(8) set forth a detailed study of the State needs for an effective, comprehensive, coordinated approach to juvenile delinquency prevention and treatment and the improvement of the juvenile justice system. This plan shall include itemized estimated costs for the development and implementation of such programs;

(9) provide for the active consultation with and participation of private agencies in the development and execution of the State plan; and provide for coordination and maximum utilization of existing juvenile delinquency programs and other related programs, such as education, health, and welfare within the State;

(10) provide that not less than 75 per centum of the funds available to such State under section 222, whether expended directly by the State or by the local government or through contracts with public or private agencies, shall be used for advanced techniques in developing, maintaining, and expanding programs and services designed to prevent juvenile delinquency, to divert juveniles from the juvenile justice system, and to provide community-based alternatives to juvenile detention and correctional facilities. That advanced techniques include—

(A) community-based programs and services for the prevention and treatment of juvenile delinquency through the development of foster-care and shelter-care homes, group homes, halfway houses, homemaker and home health services, and any other designated community-based diagnostic, treatment, or rehabilitative service;

(B) community-based programs and services to work with parents and other family members to maintain and strengthen the family unit so that the juvenile may be retained in his home;

(C) youth service bureaus and other community-based programs to divert youth from the juvenile court or to support, counsel, or provide work and recreational opportunities for delinquents and youth in danger of becoming delinquent;

(D) comprehensive programs of drug and alcohol abuse education and prevention and programs for the treatment and rehabilitation of drug addicted youth, and "drug dependent" youth (as defined in section 2(q) of the Public Health Service Act (42 U.S.C. 201 (q)));

Study.

Advanced techniques.

(E) educational programs or supportive services designed to keep delinquents and to encourage other youth to remain in elementary and secondary schools or in alternative learning situations;

(F) expanded use of probation and recruitment and training of probation officers, other professional and paraprofessional personnel and volunteers to work effectively with youth;

(G) youth initiated programs and outreach programs designed to assist youth who otherwise would not be reached by assistance programs;

(H) provides for a statewide program through the use of probation subsidies, other subsidies, other financial incentives or disincentives to units of local government, or other effective means, that may include but are not limited to programs designed to—

(i) reduce the number of commitments of juveniles to any form of juvenile facility as a percentage of the State juvenile population;

(ii) increase the use of nonsecure community-based facilities as a percentage of total commitments to juvenile facilities; and

(iii) discourage the use of secure incarceration and detention;

(11) provides for the development of an adequate research, training, and evaluation capacity within the State;

(12) provide within two years after submission of the plan that juveniles who are charged with or who have committed offenses that would not be criminal if committed by an adult, shall not be placed in juvenile detention or correctional facilities, but must be placed in shelter facilities;

(13) provide that juveniles alleged to be or found to be delinquent shall not be detained or confined in any institution in which they have regular contact with adult persons incarcerated because they have been convicted of a crime or are awaiting trial on criminal charges;

(14) provide for an adequate system of monitoring jails, detention facilities, and correctional facilities to insure that the requirements of section 223 (12) and (13) are met, and for annual reporting of the results of such monitoring to the Administrator;

(15) provide assurance that assistance will be available on an equitable basis to deal with all disadvantaged youth including, but not limited to, females, minority youth, and mentally retarded and emotionally or physically handicapped youth;

(16) provide for procedures to be established for protecting the rights of recipients of services and for assuring appropriate privacy with regard to records relating to such services provided to any individual under the State plan;

(17) provide that fair and equitable arrangements are made to protect the interests of employees affected by assistance under this Act. Such protective arrangements shall, to the maximum extent feasible, include, without being limited to, such provisions as may be necessary for—

(A) the preservation or rights, privileges, and benefits (including continuation of pension rights and benefits) under existing collective-bargaining agreements or otherwise;

(B) the continuation of collective-bargaining rights;

(C) the protection of individual employees against a worsening of their positions with respect to their employment;

(D) assurances of employment to employees of any State or political subdivision thereof who will be affected by any program funded in whole or in part under provisions of this Act;

(E) training or retraining programs.

The State plan shall provide for the terms and conditions of the protection arrangements established pursuant to this section;

(18) provide for such fiscal control and fund accounting procedures necessary to assure prudent use, proper disbursement, and accurate accounting of funds received under this title;

(19) provide reasonable assurance that Federal funds made available under this part for any period will be so used as to supplement and increase (but not supplant), to the extent feasible and practical, the level of the State, local, and other non-Federal funds that would in the absence of such Federal funds be made available for the programs described in this part, and will in no event replace such State, local, and other non-Federal funds;

(20) provide that the State planning agency will from time to time, but not less often than annually, review its plan and submit to the Administrator an analysis and evaluation of the effectiveness of the programs and activities carried out under the plan, and any modifications in the plan, including the survey of State and local needs, which it considers necessary; and

(21) contain such other terms and conditions as the Administrator may reasonably prescribe to assure the effectiveness of the programs assisted under this title.

Such plan may at the discretion of the Administrator be incorporated into the plan specified in 303(a) of the Omnibus Crime Control and Safe Streets Act.

(b) The State planning agency designated pursuant to section 223(a), after consultation with the advisory group referred to in section 223(a), shall approve the State plan and any modification thereof prior to submission to the Administrator.

(c) The Administrator shall approve any State plan and any modification thereof that meets the requirements of this section.

(d) In the event that any State fails to submit a plan, or submits a plan or any modification thereof, which the Administrator, after reasonable notice and opportunity for hearing, in accordance with sections 509, 510, and 511 of title I of the Omnibus Crime Control and Safe Streets Act of 1968, determines does not meet the requirements of this section, the Administrator shall make that State's allotment under the provisions of section 222(a) available to public and private agencies for special emphasis prevention and treatment programs as defined in section 224.

(e) In the event the plan does not meet the requirements of this section due to oversight or neglect, rather than explicit and conscious decision, the Administrator shall endeavor to make that State's allotment under the provisions of section 222(a) available to public and private agencies in that State for special emphasis prevention and treatment programs as defined in section 224.

Subpart II—Special Emphasis Prevention and Treatment Programs

SEC. 224. (a) The Administrator is authorized to make grants to and enter into contracts with public and private agencies, organizations, institutions, or individuals to—

42 USC 3733.

Ante, p. 1119.

State plan, approval.

42 USC 3757-3759.

Ante, p. 1118.

Supra.

Grants and contracts. 42 USC 5634.

(1) develop and implement new approaches, techniques, and methods with respect to juvenile delinquency programs;

(2) develop and maintain community-based alternatives to traditional forms of institutionalization;

(3) develop and implement effective means of diverting juveniles from the traditional juvenile justice and correctional system;

(4) improve the capability of public and private agencies and organizations to provide services for delinquents and youths in danger of becoming delinquent;

(5) facilitate the adoption of the recommendations of the Advisory Committee on Standards for Juvenile Justice and the Institute as set forth pursuant to section 247; and

(6) develop and implement model programs and methods to keep students in elementary and secondary schools and to prevent unwarranted and arbitrary suspensions and expulsions.

(b) Not less than 25 per centum or more than 50 per centum of the funds appropriated for each fiscal year pursuant to this part shall be available only for special emphasis prevention and treatment grants and contracts made pursuant to this section.

(c) At least 20 per centum of the funds available for grants and contracts made pursuant to this section shall be available for grants and contracts to private nonprofit agencies, organizations, or institutions who have had experience in dealing with youth.

Post, p. 1127.

CONSIDERATIONS FOR APPROVAL OF APPLICATIONS

42 USC 5635.

SEC. 225. (a) Any agency, institution, or individual desiring to receive a grant, or enter into any contract under section 224, shall submit an application at such time, in such manner, and containing or accompanied by such information as the Administrator may prescribe.

(b) In accordance with guidelines established by the Administrator, each such application shall—

(1) provide that the program for which assistance is sought will be administered by or under the supervision of the applicant;

(2) set forth a program for carrying out one or more of the purposes set forth in section 224;

(3) provide for the proper and efficient administration of such program;

(4) provide for regular evaluation of the program;

(5) indicate that the applicant has requested the review of the application from the State planning agency and local agency designated in section 223, when appropriate, and indicate the response of such agency to the request for review and comment on the application;

(6) provide that regular reports on the program shall be sent to the Administrator and to the State planning agency and local agency, when appropriate;

(7) provide for such fiscal control and fund accounting procedures as may be necessary to assure prudent use, proper disbursement, and accurate accounting of funds received under this title; and

(8) indicate the response of the State agency or the local agency to the request for review and comment on the application.

(c) In determining whether or not to approve applications for grants under section 224, the Administrator shall consider—

Reports.

Fiscal control and fund accounting.

(1) the relative cost and effectiveness of the proposed program in effectuating the purposes of this part;

(2) the extent to which the proposed program will incorporate new or innovative techniques;

(3) the extent to which the proposed program meets the objectives and priorities of the State plan, when a State plan has been approved by the Administrator under section 223(c) and when the location and scope of the program makes such consideration appropriate;

(4) the increase in capacity of the public and private agency, institution, or individual to provide services to delinquents or youths in danger of becoming delinquents;

(5) the extent to which the proposed project serves communities which have high rates of youth unemployment, school dropout, and delinquency; and

(6) the extent to which the proposed program facilitates the implementation of the recommendations of the Advisory Committee on Standards for Juvenile Justice as set forth pursuant to section 247.

Ante, p. 1119.

Post, p. 1127.

GENERAL PROVISIONS

Withholding

SEC. 226. Whenever the Administrator, after giving reasonable notice and opportunity for hearing to a recipient of financial assistance under this title, finds—

42 USC 5636.

(1) that the program or activity for which such grant was made has been so changed that it no longer complies with the provisions of this title; or

(2) that in the operation of the program or activity there is failure to comply substantially with any such provision; the Administrator shall initiate such proceedings as are appropriate.

USE OF FUNDS

SEC. 227. (a) Funds paid pursuant to this title to any State, public or private agency, institution, or individual (whether directly or through a State or local agency) may be used for—

42 USC 5637.

(1) planning, developing, or operating the program designed to carry out the purposes of this part; and

(2) not more than 50 per centum of the cost of the construction of innovative community-based facilities for less than twenty persons which, in the judgment of the Administrator, are necessary for carrying out the purposes of this part.

Limitations.

(b) Except as provided by subsection (a), no funds paid to any public or private agency, institution, or individual under this part (whether directly or through a State agency or local agency) may be used for construction.

PAYMENTS

SEC. 228. (a) In accordance with criteria established by the Administrator, it is the policy of Congress that programs funded under this title shall continue to receive financial assistance providing that the yearly evaluation of such programs is satisfactory.

42 USC 5638.

(b) At the discretion of the Administrator, when there is no other way to fund an essential juvenile delinquency program not funded under this part, the State may utilize 25 per centum of the formula

grant funds available to it under this part to meet the non-Federal matching share requirement for any other Federal juvenile delinquency program grant.

(c) Whenever the Administrator determines that it will contribute to the purposes of this part, he may require the recipient of any grant or contract to contribute money, facilities, or services.

(d) Payments under this part, pursuant to a grant or contract, may be made (after necessary adjustment, in the case of grants, on account of previously made overpayments or underpayments) in advance or by way of reimbursements, in such installments and on such conditions as the Administrator may determine.

PART C—NATIONAL INSTITUTE FOR JUVENILE JUSTICE AND DELINQUENCY PREVENTION

Establishment.  
42 USC 5651.

SEC. 241. (a) There is hereby established within the Juvenile Justice and Delinquency Prevention Office a National Institute for Juvenile Justice and Delinquency Prevention.

(b) The National Institute for Juvenile Justice and Delinquency Prevention shall be under the supervision and direction of the Assistant Administrator, and shall be headed by a Deputy Assistant Administrator of the Office appointed under section 201(f).

Ante, p. 1112.

(c) The activities of the National Institute for Juvenile Justice and Delinquency Prevention shall be coordinated with the activities of the National Institute of Law Enforcement and Criminal Justice in accordance with the requirements of section 201(b).

(d) The Administrator shall have responsibility for the administration of the organization, employees, enrollees, financial affairs, and other operations of the Institute.

(e) The Administrator may delegate his power under the Act to such employees of the Institute as he deems appropriate.

Data collection.

(f) It shall be the purpose of the Institute to provide a coordinating center for the collection, preparation, and dissemination of useful data regarding the treatment and control of juvenile offenders, and it shall also be the purpose of the Institute to provide training for representatives of Federal, State, and local law enforcement officers, teachers, and other educational personnel, juvenile welfare workers, juvenile judges and judicial personnel, probation personnel, correctional personnel and other persons, including lay personnel, connected with the treatment and control of juvenile offenders.

Training.

(g) In addition to the other powers, express and implied, the Institute may—

Additional powers.

(1) request any Federal agency to supply such statistics, data, program reports, and other material as the Institute deems necessary to carry out its functions;

(2) arrange with and reimburse the heads of Federal agencies for the use of personnel or facilities or equipment of such agencies;

(3) confer with and avail itself of the cooperation, services, records, and facilities of State, municipal, or other public or private local agencies;

(4) enter into contracts with public or private agencies, organizations, or individuals, for the partial performance of any functions of the Institute; and

(5) compensate consultants and members of technical advisory councils who are not in the regular full-time employ of the United States, at a rate now or hereafter prescribed for GS-18 of the General Schedule by section 5332 of title 5 of the United States

Code and while away from home, or regular place of business, 5 USC 5332 they may be allowed travel expenses, including per diem in lieu note. of subsistence, as authorized by section 5703 of title 5, United States Code for persons in the Government service employed intermittently.

(b) Any Federal agency which receives a request from the Institute under subsection (g)(1) may cooperate with the Institute and shall, to the maximum extent practicable, consult with and furnish information and advice to the Institute.

INFORMATION FUNCTION

SEC. 242. The National Institute for Juvenile Justice and Delinquency Prevention is authorized to— 42 USC 5652.

(1) serve as an information bank by collecting systematically and synthesizing the data and knowledge obtained from studies and research by public and private agencies, institutions, or individuals concerning all aspects of juvenile delinquency, including the prevention and treatment of juvenile delinquency;

(2) serve as a clearinghouse and information center for the preparation, publication, and dissemination of all information regarding juvenile delinquency, including State and local juvenile delinquency prevention and treatment programs and plans, availability of resources, training and educational programs, statistics, and other pertinent data and information. Information clearinghouse.

RESEARCH, DEMONSTRATION, AND EVALUATION FUNCTIONS

SEC. 243. The National Institute for Juvenile Justice and Delinquency Prevention is authorized to— 42 USC 5653.

(1) conduct, encourage, and coordinate research and evaluation into any aspect of juvenile delinquency, particularly with regard to new programs and methods which show promise of making a contribution toward the prevention and treatment of juvenile delinquency;

(2) encourage the development of demonstration projects in new, innovative techniques and methods to prevent and treat juvenile delinquency;

(3) provide for the evaluation of all juvenile delinquency programs assisted under this title in order to determine the results and the effectiveness of such programs;

(4) provide for the evaluation of any other Federal, State, or local juvenile delinquency program, upon the request of the Administrator;

(5) prepare, in cooperation with educational institutions, Federal, State, and local agencies, and appropriate individuals and private agencies, such studies as it considers to be necessary with respect to the prevention and treatment of juvenile delinquency and related matters, including recommendations designed to promote effective prevention and treatment;

(6) disseminate the results of such evaluations and research and demonstration activities particularly to persons actively working in the field of juvenile delinquency; and

(7) disseminate pertinent data and studies (including a periodic journal) to individuals, agencies, and organizations concerned with the prevention and treatment of juvenile delinquency.

TRAINING FUNCTIONS

42 USC 5654.

SEC. 244. The National Institute for Juvenile Justice and Delinquency Prevention is authorized to—

(1) develop, conduct, and provide for training programs for the training of professional, paraprofessional, and volunteer personnel, and other persons who are or who are preparing to work with juveniles and juvenile offenders;

(2) develop, conduct, and provide for seminars, workshop, and training programs in the latest proven effective techniques and methods of preventing and treating juvenile delinquency for law enforcement officers, juvenile judges, and other court personnel, probation officers, correctional personnel, and other Federal, State, and local government personnel who are engaged in work relating to juvenile delinquency;

(3) devise and conduct a training program, in accordance with the provisions of sections 249, 250, and 251, of short-term instruction in the latest proven-effective methods of prevention, control, and treatment of juvenile delinquency for correctional and law enforcement personnel, teachers and other educational personnel, juvenile welfare workers, juvenile judges and judicial personnel, probation officers, and other persons (including lay personnel) connected with the prevention and treatment of juvenile delinquency; and

(4) develop technical training teams to aid in the development of training programs in the States and to assist State and local agencies which work directly with juveniles and juvenile offenders.

INSTITUTE ADVISORY COMMITTEE

42 USC 5655.

Ante, p. 1117.

SEC. 245. The Advisory Committee for the National Institute for Juvenile Justice and Delinquency Prevention established in section 208(d) shall advise, consult with, and make recommendations to the Deputy Assistant Administrator for the National Institute for Juvenile Justice and Delinquency Prevention concerning the overall policy and operations of the Institute.

ANNUAL REPORT

42 USC 5656.

Report to President and Congress. Ante, p. 1113.

SEC. 246. The Deputy Assistant Administrator for the National Institute for Juvenile Justice and Delinquency Prevention shall develop annually and submit to the Administrator after the first year the legislation is enacted, prior to June 30, a report on research, demonstration, training, and evaluation programs funded under this title, including a review of the results of such programs, an assessment of the application of such results to existing and to new juvenile delinquency programs, and detailed recommendations for future research, demonstration, training, and evaluation programs. The Administrator shall include a summary of these results and recommendations in his report to the President and Congress required by section 204(b)(5).

DEVELOPMENT OF STANDARDS FOR JUVENILE JUSTICE

42 USC 5657.

SEC. 247. (a) The National Institute for Juvenile Justice and Delinquency Prevention, under the supervision of the Advisory Committee on Standards for Juvenile Justice established in section 208(e), shall review existing reports, data, and standards, relating to the juvenile justice system in the United States.

(b) Not later than one year after the passage of this section, the Report to Presidential and Congressional Advisory Committee shall submit to the President and the Congress a report which, based on recommended standards for the administration of juvenile justice at the Federal, State, and local level—

- (1) recommends Federal action, including but not limited to administrative and legislative action, required to facilitate the adoption of these standards throughout the United States; and
- (2) recommends State and local action to facilitate the adoption of these standards for juvenile justice at the State and local level.

(c) Each department, agency, and instrumentality of the executive branch of the Government, including independent agencies, is authorized and directed to furnish to the Advisory Committee such information as the Committee deems necessary to carry out its functions under this section.

Sec. 248. Records containing the identity of individual juveniles gathered for purposes pursuant to this title may under no circumstances be disclosed or transferred to any individual or other agency, public, or private.

ESTABLISHMENT OF TRAINING PROGRAM

Sec. 249. (a) The Administrator shall establish within the Institute a training program designed to train enrollees with respect to methods and techniques for the prevention and treatment of juvenile delinquency. In carrying out this program the Administrator is authorized to make use of available State and local services, equipment, personnel, facilities, and the like.

(b) Enrollees in the training program established under this section shall be drawn from correctional and law enforcement personnel, teachers and other educational personnel, juvenile welfare workers, juvenile judges and judicial personnel, probation officers, and other persons (including lay personnel) connected with the prevention and treatment of juvenile delinquency.

CURRICULUM FOR TRAINING PROGRAM

Sec. 250. The Administrator shall design and supervise a curriculum for the training program established by section 249 which shall utilize an interdisciplinary approach with respect to the prevention of juvenile delinquency, the treatment of juvenile delinquents, and the diversion of youths from the juvenile justice system. Such curriculum shall be appropriate to the needs of the enrollees of the training program.

ENROLLMENT FOR TRAINING PROGRAM

Sec. 251. (a) Any person seeking to enroll in the training program established under section 249 shall transmit an application to the Administrator, in such form and according to such procedures as the Administrator may prescribe.

(b) The Administrator shall make the final determination with respect to the admittance of any person to the training program. The Administrator, in making such determination, shall seek to assure that persons admitted to the training program are broadly representative of the categories described in section 249(b).

(c) While studying at the Institute and while traveling in connection with his study (including authorized field trips), each person enrolled in the Institute shall be allowed travel expenses and a per

diem allowance in the same manner as prescribed for persons employed intermittently in the Government service under section 5703(b) of title 5, United States Code.

PART D—AUTHORIZATION OF APPROPRIATIONS

42 USC 5671. SEC. 261. (a) To carry out the purposes of this title there is authorized to be appropriated \$75,000,000 for the fiscal year ending June 30, 1975, \$125,000,000 for the fiscal year ending June 30, 1976, and \$150,000,000 for the fiscal year ending June 30, 1977.

Additional funds. (b) In addition to the funds appropriated under this section, the Administration shall maintain from other Law Enforcement Assistance Administration appropriations other than the appropriations for administration, at least the same level of financial assistance for juvenile delinquency programs assisted by the Law Enforcement Assistance Administration during fiscal year 1972.

NONDISCRIMINATION PROVISIONS

42 USC 5672. SEC. 262. (a) No financial assistance for any program under this Act shall be provided unless the grant, contract, or agreement with respect to such program specifically provides that no recipient of funds will discriminate as provided in subsection (b) with respect to any such program.

42 USC 2000d-2. (b) No person in the United States shall on the ground of race, creed, color, sex, or national origin be excluded from participation in, be denied the benefits of, be subjected to discrimination under, or be denied employment in connection with any program or activity receiving assistance under this Act. The provisions of the preceding sentence shall be enforced in accordance with section 603 of the Civil Rights Act of 1964. Section 603 of such Act shall apply with respect to any action taken to enforce such sentence. This section shall not be construed as affecting any other legal remedy that a person may have if such person is excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in connection with any program or activity receiving assistance under this Act.

EFFECTIVE CLAUSE

42 USC 5601 note. Sec. 263. (a) Except as provided by subsection (b), the foregoing provisions of this Act shall take effect on the date of enactment of this Act.

Ante, p. 1113. (b) Section 204(b)(5) and 204(b)(6) shall become effective at the close of the thirty-first day of the twelfth calendar month of 1974. Section 204(1) shall become effective at the close of the thirty-first day of the eighth calendar month of 1976.

TITLE III—RUNAWAY YOUTH

SHORT TITLE

Runaway Youth Act. 42 USC 5701 note. Sec. 301. This title may be cited as the "Runaway Youth Act".

FINDINGS

42 USC 5701. Sec. 302. The Congress hereby finds that— (1) the number of juveniles who leave and remain away from home without parental permission has increased to alarming proportions, creating a substantial law enforcement problem for the

communities inundated, and significantly endangering the young people who are without resources and live on the street;

(2) the exact nature of the problem is not well defined because national statistics on the size and profile of the runaway youth population are not tabulated;

(3) many such young people, because of their age and situation, are urgently in need of temporary shelter and counseling services;

(4) the problem of locating, detaining, and returning runaway children should not be the responsibility of already overburdened police departments and juvenile justice authorities; and

(5) in view of the interstate nature of the problem, it is the responsibility of the Federal Government to develop accurate reporting of the problem nationally and to develop an effective system of temporary care outside the law enforcement structure.

RULES

SEC. 303. The Secretary of Health, Education, and Welfare (hereinafter referred to as the "Secretary") may prescribe such rules as he considers necessary or appropriate to carry out the purposes of this title. 42 USC 5702.

PART A—GRANTS PROGRAM

PURPOSES OF GRANT PROGRAM

SEC. 311. The Secretary is authorized to make grants and to provide technical assistance to localities and nonprofit private agencies in accordance with the provisions of this part. Grants under this part shall be made for the purpose of developing local facilities to deal primarily with the immediate needs of runaway youth in a manner which is outside the law enforcement structure and juvenile justice system. The size of such grant shall be determined by the number of runaway youth in the community and the existing availability of services. Among applicants priority shall be given to private organizations or institutions which have had past experience in dealing with runaway youth. Localities and nonprofit agencies, assistance. 42 USC 5711.

ELIGIBILITY

SEC. 312. (a) To be eligible for assistance under this part, an applicant shall propose to establish, strengthen, or fund an existing or proposed runaway house, a locally controlled facility providing temporary shelter, and counseling services to juveniles who have left home without permission of their parents or guardians. 42 USC 5712.

(b) In order to qualify for assistance under this part, an applicant shall submit a plan to the Secretary meeting the following requirements and including the following information. Each house—

(1) shall be located in an area which is demonstrably frequented by or easily reachable by runaway youth;

(2) shall have a maximum capacity of no more than twenty children, with a ratio of staff to children of sufficient portion to assure adequate supervision and treatment;

(3) shall develop adequate plans for contacting the child's parents or relatives (if such action is required by State law) and assuring the safe return of the child according to the best interests of the child, for contacting local government officials pursuant to informal arrangements established with such officials by the runaway house, and for providing for other appropriate alternative living arrangements; Runaway house, requirements.

Aftercare counseling.

(4) shall develop an adequate plan for assuring proper relations with law enforcement personnel, and the return of runaway youths from correctional institutions;

(5) shall develop an adequate plan for aftercare counseling involving runaway youth and their parents within the State in which the runaway house is located and for assuring, as possible, that aftercare services will be provided to those children who are returned beyond the State in which the runaway house is located;

Records, information disclosure, restriction.

(6) shall keep adequate statistical records profiling the children and parents which it serves, except that records maintained on individual runaway youths shall not be disclosed without parental consent to anyone other than another agency compiling statistical records or a government agency involved in the disposition of criminal charges against an individual runaway youth, and reports or other documents based on such statistical records shall not disclose the identity of individual runaway youths;

Annual reports to Secretary.

(7) shall submit annual reports to the Secretary detailing how the house has been able to meet the goals of its plans and reporting the statistical summaries required by paragraph (6);

(8) shall demonstrate its ability to operate under accounting procedures and fiscal control devices as required by the Secretary;

Budget estimate.

(9) shall submit a budget estimate with respect to the plan submitted by such house under this subsection; and

(10) shall supply such other information as the Secretary reasonably deems necessary.

APPROVAL BY SECRETARY

42 USC 5713.

SEC. 313. An application by a State, locality, or nonprofit private agency for a grant under this part may be approved by the Secretary only if it is consistent with the applicable provisions of this part and meets the requirements set forth in section 312. Priority shall be given to grants smaller than \$75,000. In considering grant applications under this part, priority shall be given to any applicant whose program budget is smaller than \$100,000.

GRANTS TO PRIVATE AGENCIES, STAFFING

42 USC 5713.

SEC. 314. Nothing in this part shall be construed to deny grants to nonprofit private agencies which are fully controlled by private boards or persons but which in other respects meet the requirements of this part and agree to be legally responsible for the operation of the runaway house. Nothing in this part shall give the Federal Government control over the staffing and personnel decisions of facilities receiving Federal funds.

REPORTS

Report to Congress. 42 USC 5715.

SEC. 315. The Secretary shall annually report to the Congress on the status and accomplishments of the runaway houses which are funded under this part, with particular attention to—

(1) their effectiveness in alleviating the problems of runaway youth;

(2) their ability to reunite children with their families and to encourage the resolution of intrafamily problems through counseling and other services;

(3) their effectiveness in strengthening family relationships and encouraging stable living conditions for children; and

(4) their effectiveness in helping youth decide upon a future course of action.

FEDERAL SHARE

SEC. 316. (a) The Federal share for the acquisition and renovation of existing structures, the provision of counseling services, staff training, and the general costs of operations of such facility's budget for any fiscal year shall be 90 per centum. The non-Federal share may be in cash or in kind, fairly evaluated by the Secretary, including plant, equipment, or services.

(b) Payments under this section may be made in installments, in advance, or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments.

PART B—STATISTICAL SURVEY

SURVEY; REPORT

SEC. 321. The Secretary shall gather information and carry out a comprehensive statistical survey defining the major characteristic of the runaway youth population and determining the areas of the Nation most affected. Such survey shall include the age, sex, and socioeconomic background of runaway youth, the places from which and to which children run, and the relationship between running away and other illegal behavior. The Secretary shall report the results of such information gathering and survey to the Congress not later than June 30, 1975.

RECORDS

SEC. 322. Records containing the identity of individual runaway youths gathered for statistical purposes pursuant to section 321 may under no circumstances be disclosed or transferred to any individual or to any public or private agency.

PART C—AUTHORIZATION OF APPROPRIATIONS

SEC. 331. (a) To carry out the purposes of part A of this title there is authorized to be appropriated for each of the fiscal years ending June 30, 1975, 1976, and 1977, the sum of \$10,000,000.

(b) To carry out the purposes of part B of this title there is authorized to be appropriated the sum of \$500,000.

TITLE IV—EXTENSION AND AMENDMENT OF THE JUVENILE DELINQUENCY PREVENTION ACT

YOUTH DEVELOPMENT DEMONSTRATIONS

SEC. 401. Title I of the Juvenile Delinquency Prevention Act is amended (1) in the caption thereof, by inserting "AND DEMONSTRATION PROGRAMS" after "SERVICES"; (2) following the caption thereof, by inserting "PART A—COMMUNITY-BASED COORDINATED YOUTH SERVICES"; (3) in sections 101, 102(a), 102(b)(1), 102(b)(2), 103(a) (including paragraph (1) thereof), 104(a) (including paragraphs (1), (4), (5), (7), and (10) thereof), and 104(b) by striking out "title" and inserting "part" in lieu thereof; and (4) by inserting at the end of the title following new part:

"PART B—DEMONSTRATIONS IN YOUTH DEVELOPMENT

Grants. 42 USC 3821.

"SEC. 105. (a) For the purpose of assisting the demonstration of innovative approaches to youth development and the prevention and treatment of delinquent behavior (including payment of all or part of the costs of minor remodeling or alteration), the Secretary may make grants to any State (or political subdivision thereof), any agency thereof, and any nonprofit private agency, institution, or organization that submits to the Secretary, at such time and in such form and manner as the Secretary's regulations shall prescribe, an application containing a description of the purposes for which the grant is sought, and assurances satisfactory to the Secretary that the applicant will use the grant for the purposes for which it is provided, and will comply with such requirements relating to the submission of reports, methods of fiscal accounting, the inspection and audit of records and other materials, and such other rules, regulations, standards, and procedures, as the Secretary may impose to assure the fulfillment of the purposes of this Act.

Limitation.

"(b) No demonstration may be assisted by a grant under this section for more than one year."

CONSULTATION

42 USC 3888.

SEC. 402. (a) Section 408 of such Act is amended by adding at the end of subsection (a) thereof the following new subsection:

"(b) The Secretary shall consult with the Attorney General for the purpose of coordinating the development and implementation of programs and activities funded under this Act with those related programs and activities funded under the Omnibus Crime Control and Safe Streets Act of 1968"; and by deleting subsection (b) thereof.

42 USC 3701 note. Repeal. 42 USC 3889.

(b) Section 409 is repealed.

REPEAL OF MINIMUM STATE ALLOTMENTS

42 USC 3883.

SEC. 403. Section 403(b) of such Act is repealed, and section 403(a) of such Act is redesignated section 403.

EXTENSION OF PROGRAM

42 USC 3882.

SEC. 404. Section 402 of such Act, as amended by this Act, is further amended in the first sentence by inserting after "fiscal year" the following: "and such sums as may be necessary for fiscal year 1975".

TITLE V—MISCELLANEOUS AND CONFORMING AMENDMENTS

PART A—AMENDMENTS TO THE FEDERAL JUVENILE DELINQUENCY ACT

SEC. 501. Section 5031 of title 18, United States Code, is amended to read as follows:

"§ 5031. Definitions

"For the purposes of this chapter, a 'juvenile' is a person who has not attained his eighteenth birthday, or for the purpose of proceedings and disposition under this chapter for an alleged act of juvenile delinquency, a person who has not attained his twenty-first birthday, and 'juvenile delinquency' is the violation of a law of the United States committed by a person prior to his eighteenth birthday which would have been a crime if committed by an adult."

DELINQUENCY PROCEEDINGS IN DISTRICT COURTS

SEC. 502. Section 5032 of title 18, United States Code, is amended to read as follows:

**“§ 5032. Delinquency proceedings in district courts; transfer for criminal prosecution**

“A juvenile alleged to have committed an act of juvenile delinquency shall not be proceeded against in any court of the United States unless the Attorney General, after investigation, certifies to an appropriate district court of the United States that the juvenile court or other appropriate court of a State (1) does not have jurisdiction or refuses to assume jurisdiction over said juvenile with respect to such alleged act of juvenile delinquency, or (2) does not have available programs and services adequate for the needs of juveniles.

“If the Attorney General does not so certify, such juvenile shall be surrendered to the appropriate legal authorities of such State.

“If an alleged juvenile delinquent is not surrendered to the authorities of a State or the District of Columbia pursuant to this section, any proceedings against him shall be in an appropriate district court of the United States. For such purposes, the court may be convened at any time and place within the district, in chambers or otherwise. The Attorney General shall proceed by information, and no criminal prosecution shall be instituted for the alleged act of juvenile delinquency except as provided below.

“A juvenile who is alleged to have committed an act of juvenile delinquency and who is not surrendered to State authorities shall be proceeded against under this chapter unless he has requested in writing upon advice of counsel to be proceeded against as an adult, except that, with respect to a juvenile sixteen years and older alleged to have committed an act after his sixteenth birthday which if committed by an adult would be a felony punishable by a maximum penalty of ten years imprisonment or more, life imprisonment, or death, criminal prosecution on the basis of the alleged act may be begun by motion to transfer of the Attorney General in the appropriate district court of the United States, if such court finds, after hearing, such transfer would be in the interest of justice.

“Evidence of the following factors shall be considered, and findings with regard to each factor shall be made in the record, in assessing whether a transfer would be in the interest of justice: the age and social background of the juvenile; the nature of the alleged offense; the extent and nature of the juvenile's prior delinquency record; the juvenile's present intellectual development and psychological maturity; the nature of past treatment efforts and the juvenile's response to such efforts; the availability of programs designed to treat the juvenile's behavioral problems.

“Reasonable notice of the transfer hearing shall be given to the juvenile, his parents, guardian, or custodian and to his counsel. The juvenile shall be assisted by counsel during the transfer hearing, and at every other critical stage of the proceedings.

“Once a juvenile has entered a plea of guilty or the proceeding has reached the stage that evidence has begun to be taken with respect to a crime or an alleged act of juvenile delinquency subsequent criminal prosecution or juvenile proceedings based upon such alleged act of delinquency shall be barred.

“Statements made by a juvenile prior to or during a transfer hearing under this section shall not be admissible at subsequent criminal prosecutions.”

CUSTODY

SEC. 503. Section 5033 of title 18, United States Code is amended to read as follows:

**“§ 5033. Custody prior to appearance before magistrate**

“Whenever a juvenile is taken into custody for an alleged act of juvenile delinquency, the arresting officer shall immediately advise such juvenile of his legal rights, in language comprehensible to a juvenile, and shall immediately notify the Attorney General and the juvenile's parents, guardian, or custodian of such custody. The arresting officer shall also notify the parents, guardian, or custodian of the rights of the juvenile and of the nature of the alleged offense.

“The juvenile shall be taken before a magistrate forthwith. In no event shall the juvenile be detained for longer than a reasonable period of time before being brought before a magistrate.”

DUTIES OF MAGISTRATE

SEC. 504. Section 5034 of title 18, United States Code, is amended to read as follows:

**“§ 5034. Duties of magistrate**

Representation  
by counsel.

“The magistrate shall insure that the juvenile is represented by counsel before proceeding with critical stages of the proceedings. Counsel shall be assigned to represent a juvenile when the juvenile and his parents, guardian, or custodian are financially unable to obtain adequate representation. In cases where the juvenile and his parents, guardian, or custodian are financially able to obtain adequate representation but have not retained counsel, the magistrate may assign counsel and order the payment of reasonable attorney's fees or may direct the juvenile, his parents, guardian, or custodian to retain private counsel within a specified period of time.

Appointment  
by guardian.

“The magistrate may appoint a guardian ad litem if a parent or guardian of the juvenile is not present, or if the magistrate has reason to believe that the parents or guardian will not cooperate with the juvenile in preparing for trial, or that the interests of the parents or guardian and those of the juvenile are adverse.

“If the juvenile has not been discharged before his initial appearance before the magistrate, the magistrate shall release the juvenile to his parents, guardian, custodian, or other responsible party (including, but not limited to, the director of a shelter-care facility upon their promise to bring such juvenile before the appropriate court when requested by such court unless the magistrate determines, after hearing, at which the juvenile is represented by counsel, that the detention of such juvenile is required to secure his timely appearance before the appropriate court or to insure his safety or that of others.”

DETENTION

18 USC 5035.

SEC. 505. Section 5035 of this title is amended to read as follows:

**“§ 5035. Detention prior to disposition**

“A juvenile alleged to be delinquent may be detained only in a juvenile facility or such other suitable place as the Attorney General

may designate. Whenever possible, detention shall be in a foster home or community based facility located in or near his home community. The Attorney General shall not cause any juvenile alleged to be delinquent to be detained or confined in any institution in which the juvenile has regular contact with adult persons convicted of a crime or awaiting trial on criminal charges. Insofar as possible, alleged delinquents shall be kept separate from adjudicated delinquents. Every juvenile in custody shall be provided with adequate food, heat, light, sanitary facilities, bedding, clothing, recreation, education, and medical care, including necessary psychiatric, psychological, or other care and treatment."

SPEEDY TRIAL

Sec. 506. Section 5036 of this title is amended to read as follows: 18 USC 5036.

§ 5036. Speedy trial

"If an alleged delinquent who is in detention pending trial is not brought to trial within thirty days from the date upon which such detention was begun, the information shall be dismissed on motion of the alleged delinquent or at the direction of the court, unless the Attorney General shows that additional delay was caused by the juvenile or his counsel, or consented to by the juvenile and his counsel, or would be in the interest of justice in the particular case. Delays attributable solely to court calendar congestion may not be considered in the interest of justice. Except in extraordinary circumstances, an information dismissed under this section may not be reinstated."

DISPOSITION

Sec. 507. Section 5037 is amended to read as follows: 18 USC 5037.

§ 5037. Disposition hearing

"(a) If a juvenile is adjudicated delinquent, a separate dispositional hearing shall be held no later than twenty court days after trial unless the court has ordered further study in accordance with subsection (c). Copies of the presentence report shall be provided to the attorneys for both the juvenile and the Government a reasonable time in advance of the hearing.

Presentence report, availability of copies.

"(b) The court may suspend the adjudication of delinquency or the disposition of the delinquent on such conditions as it deems proper, place him on probation, or commit him to the custody of the Attorney General. Probation, commitment, or commitment in accordance with subsection (c) shall not extend beyond the juvenile's twenty-first birthday or the maximum term which could have been imposed on an adult convicted of the same offense, whichever is sooner, unless the juvenile has attained his nineteenth birthday at the time of disposition, in which case probation, commitment, or commitment in accordance with subsection (c) shall not exceed the lesser of two years or the maximum term which could have been imposed on an adult convicted of the same offense.

Probation or commitment, term.

"(c) If the court desires more detailed information concerning an alleged or adjudicated delinquent, it may commit him, after notice and hearing at which the juvenile is represented by counsel, to the custody of the Attorney General for observation and study by an appropriate agency. Such observation and study shall be conducted on an outpatient basis, unless the court determines that inpatient observation and study are necessary to obtain the desired information. In the case of an alleged juvenile delinquent, inpatient study may be ordered only

Committal to Attorney General.

Study.

with the consent of the juvenile and his attorney. The agency shall make a complete study of the alleged or adjudicated delinquent to ascertain his personal traits, his capabilities, his background, any previous delinquency or criminal experience, any mental or physical defect, and any other relevant factors. The Attorney General shall submit to the court and the attorneys for the juvenile and the Government the results of the study within thirty days after the commitment of the juvenile, unless the court grants additional time."

JUVENILE RECORDS

Sec. 508. Section 5038 is added, to read as follows:

18 USC 5038.

§ 5038. Use of juvenile records

Disclosure safeguard.

"(a) Throughout the juvenile delinquency proceeding the court shall safeguard the records from disclosure. Upon the completion of any juvenile delinquency proceeding whether or not there is an adjudication the district court shall order the entire file and record of such proceeding sealed. After such sealing, the court shall not release these records except to the extent necessary to meet the following circumstances:

- "(1) inquiries received from another court of law;
- "(2) inquiries from an agency preparing a presentence report for another court;
- "(3) inquiries from law enforcement agencies where the request for information is related to the investigation of a crime or a position within that agency;
- "(4) inquiries, in writing, from the director of a treatment agency or the director of a facility to which the juvenile has been committed by the court; and
- "(5) inquiries from an agency considering the person for a position immediately and directly affecting the national security.

Unless otherwise authorized by this section, information about the sealed record may not be released when the request for information is related to an application for employment, license, bonding, or any civil right or privilege. Responses to such inquiries shall not be different from responses made about persons who have never been involved in a delinquency proceeding.

"(b) District courts exercising jurisdiction over any juvenile shall inform the juvenile, and his parent or guardian, in writing in clear and nontechnical language, of rights relating to the sealing of his juvenile record.

"(c) During the course of any juvenile delinquency proceeding, all information and records relating to the proceeding, which are obtained or prepared in the discharge of an official duty by an employee of the court or an employee of any other governmental agency, shall not be disclosed directly or indirectly to anyone other than the judge, counsel for the juvenile and the government, or others entitled under this section to receive sealed records.

"(d) Unless a juvenile who is taken into custody is prosecuted as an adult—

- "(1) neither the fingerprints nor a photograph shall be taken without the written consent of the judge; and
- "(2) neither the name nor picture of any juvenile shall be made public by any medium of public information in connection with a juvenile delinquency proceeding."

COMMITMENT

SEC. 509. Section 5039 is added, to read as follows:

“§ 5039. Commitment

18 USC 5039.

“No juvenile committed to the custody of the Attorney General may be placed or retained in an adult jail or correctional institution in which he has regular contact with adults incarcerated because they have been convicted of a crime or are awaiting trial on criminal charges.

“Every juvenile who has been committed shall be provided with adequate food, heat, light, sanitary facilities, bedding, clothing, recreation, counseling, education, training, and medical care including necessary psychiatric, psychological, or other care and treatment.

“Whenever possible, the Attorney General shall commit a juvenile to a foster home or community-based facility located in or near his home community.”

SUPPORT

SEC. 510. Section 5040 is added, to read as follows:

“§ 5040. Support

18 USC 5040.

“The Attorney General may contract with any public or private agency or individual and such community-based facilities as halfway houses and foster homes for the observation and study and the custody and care of juveniles in his custody. For these purposes, the Attorney General may promulgate such regulations as are necessary and may use the appropriation for ‘support of United States prisoners’ or such other appropriations as he may designate.”

Contract authority.

Regulations.

PAROLE

SEC. 511. Section 5041 is added to read as follows:

“§ 5041. Parole

18 USC 5041.

“The Board of Parole shall release from custody, on such conditions as it deems necessary, each juvenile delinquent who has been committed, as soon as the Board is satisfied that he is likely to remain at liberty without violating the law and when such release would be in the interest of justice.”

REVOCAATION

SEC. 512. Section 5042 is added to read as follows:

“§ 5042. Revocation of parole or probation

18 USC 5042.

“Any juvenile parolee or probationer shall be accorded notice and a hearing with counsel before his parole or probation can be revoked.”

Notice and hearing.

SEC. 513. The table of sections of chapter 403 of this title is amended to read as follows:

- “Sec.
- “5031. Definitions.
- “5032. Delinquency proceedings in district courts; transfer for criminal prosecution.
- “5033. Custody prior to appearance before magistrate.
- “5034. Duties of magistrate.
- “5035. Detention prior to disposition.
- “5036. Speedy trial.
- “5037. Dispositional hearing.
- “5038. Use of juvenile records.
- “5039. Commitment.
- “5040. Support.
- “5041. Parole.
- “5042. Revocation of parole or probation.”.

PART B—NATIONAL INSTITUTE OF CORRECTIONS

SEC. 521. Title 18, United States Code, is amended by adding a new chapter 319 to read as follows:

“CHAPTER 319.—NATIONAL INSTITUTE OF CORRECTIONS

Establishment.  
18 USC 4351.

Membership.

“SEC. 4351. (a) There is hereby established within the Bureau of Prisons a National Institute of Corrections.

“(b) The overall policy and operations of the National Institute of Corrections shall be under the supervision of an Advisory Board. The Board shall consist of sixteen members. The following six individuals shall serve as members of the Commission ex officio: the Director of the Federal Bureau of Prisons or his designee, the Administrator of the Law Enforcement Assistance Administration or his designee, Chairman of the United States Parole Board or his designee, the Director of the Federal Judicial Center or his designee, the Deputy Assistant Administrator for the National Institute for Juvenile Justice and Delinquency Prevention or his designee, and the Assistant Secretary for Human Development of the Department of Health, Education, and Welfare or his designee.

“(c) The remaining ten members of the Board shall be selected as follows:

“(1) Five shall be appointed initially by the Attorney General of the United States for staggered terms; one member shall serve for one year, one member for two years, and three members for three years. Upon the expiration of each member’s term, the Attorney General shall appoint successors who will each serve for a term of three years. Each member selected shall be qualified as a practitioner (Federal, State, or local) in the field of corrections, probation, or parole.

“(2) Five shall be appointed initially by the Attorney General of the United States for staggered terms, one member shall serve for one year, three members for two years, and one member for three years.” Upon the expiration of each member’s term the Attorney General shall appoint successors who will each serve for a term of three years. Each member selected shall be from the private sector, such as business, labor, and education, having demonstrated an active interest in corrections, probation, or parole.

Compensation for expenses.

“(d) The members of the Board shall not, by reason of such membership, be deemed officers or employees of the United States. Members of the Commission who are full-time officers or employees of the United States shall serve without additional compensation, but shall be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of the duties vested in the Board. Other members of the Board shall, while attending meetings of the Board or while engaged in duties related to such meetings or in other activities of the Commission pursuant to this title, be entitled to receive compensation at the rate not to exceed the daily equivalent of the rate authorized for GS-18 by section 5332 of title 5, United States Code, including travel-time, and while away from their homes or regular places of business may be allowed travel expenses, including per diem in lieu of subsistence equal to that authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

5 USC 5332 note.

Chairman and vice-chairman.

“(e) The Board shall elect a chairman from among its members who shall serve for a term of one year. The members of the Board shall also elect one or more members as a vice-chairman.

"(f) The Board is authorized to appoint, without regard to the civil service laws, technical, or other advisory committees to advise the Institute with respect to the administration of this title as it deems appropriate. Members of these committees not otherwise employed by the United States, while engaged in advising the Institute or attending meetings of the committees, shall be entitled to receive compensation at the rate fixed by the Board but not to exceed the daily equivalent of the rate authorized for GS-18 by section 5332 of title 5, United States Code, and while away from their homes or regular places of business may be allowed travel expenses, including per diem in lieu of subsistence equal to that authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

Appointment of committees.

5 USC 5332 note.

"(g) The Board is authorized to delegate its powers under this title to such persons as it deems appropriate.

Delegation of powers. Director.

"(h) The Institute shall be under the supervision of an officer to be known as the Director, who shall be appointed by the Attorney General after consultation with the Board. The Director shall have authority to supervise the organization, employees, enrollees, financial affairs, and all other operations of the Institute and may employ such staff, faculty, and administrative personnel, subject to the civil service and classification laws, as are necessary to the functioning of the Institute. The Director shall have the power to acquire and hold real and personal property for the Institute and may receive gifts, donations, and trusts on behalf of the Institute. The Director shall also have the power to appoint such technical or other advisory councils comprised of consultants to guide and advise the Board. The Director is authorized to delegate his powers under this title to such persons as he deems appropriate.

Additional authority. 18 USC 4352.

"Sec. 4352. (a) In addition to the other powers, express and implied, the National Institute of Corrections shall have authority—

"(1) to receive from or make grants to and enter into contracts with Federal, State, and general units of local government, public and private agencies, educational institutions, organizations, and individuals to carry out the purposes of this chapter;

"(2) to serve as a clearinghouse and information center for the collection, preparation, and dissemination of information on corrections, including, but not limited to, programs for prevention of crime and recidivism, training of corrections personnel, and rehabilitation and treatment of criminal and juvenile offenders;

"(3) to assist and serve in a consulting capacity to Federal, State, and local courts, departments, and agencies in the development, maintenance, and coordination of programs, facilities, and services, training, treatment, and rehabilitation with respect to criminal and juvenile offenders;

"(4) to encourage and assist Federal, State, and local government programs and services, and programs and services of other public and private agencies, institutions, and organizations in their efforts to develop and implement improved corrections programs;

"(5) to devise and conduct, in various geographical locations, seminars, workshops, and training programs for law enforcement officers, judges, and judicial personnel, probation and parole personnel, correctional personnel, welfare workers, and other persons, including lay ex-offenders, and paraprofessional personnel, connected with the treatment and rehabilitation of criminal and juvenile offenders;

"(6) to develop technical training teams to aid in the development of seminars, workshops, and training programs within the several States and with the State and local agencies which work with prisoners, parolees, probationers, and other offenders;

"(7) to conduct, encourage, and coordinate research relating to corrections, including the causes, prevention, diagnosis, and treatment of criminal offenders;

"(8) to formulate and disseminate correctional policy, goals, standards, and recommendations for Federal, State, and local correctional agencies, organizations, institutions, and personnel;

"(9) to conduct evaluation programs which study the effectiveness of new approaches, techniques, systems, programs, and devices employed to improve the corrections system;

"(10) to receive from any Federal department or agency such statistics, data, program reports, and other material as the Institute deems necessary to carry out its functions. Each such department or agency is authorized to cooperate with the Institute and shall, to the maximum extent practicable, consult with and furnish information to the Institute;

"(11) to arrange with and reimburse the heads of Federal departments and agencies for the use of personnel, facilities, or equipment of such departments and agencies;

"(12) to confer with and avail itself of the assistance, services, records, and facilities of State and local governments or other public or private agencies, organizations, or individuals;

"(13) to enter into contracts with public or private agencies, organizations, or individuals, for the performance of any of the functions of the Institute; and

"(14) to procure the services of experts and consultants in accordance with section 3109 of title 5 of the United States Code, at rates of compensation not to exceed the daily equivalent of the rate authorized for GS-18 by section 5332 of title 5 of the United States Code.

Contracts.

Experts and consultants.

5 USC 5332 note. Annual report to President and Congress.

Recordkeeping.

Audit.

Appropriation. 18 USC 4353.

"(b) The Institute shall on or before the 31st day of December of each year submit an annual report for the preceding fiscal year to the President and to the Congress. The report shall include a comprehensive and detailed report of the Institute's operations, activities, financial condition, and accomplishments under this title and may include such recommendations related to corrections as the Institute deems appropriate.

"(c) Each recipient of assistance under this shall keep such records as the Institute shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

"(d) The Institute, and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for purposes of audit and examinations to any books, documents, papers, and records of the recipients that are pertinent to the grants received under this chapter.

"(e) The provision of this section shall apply to all recipients of assistance under this title, whether by direct grant or contract from the Institute or by subgrant or subcontract from primary grantees or contractors of the Institute.

"Sec. 4353. There is hereby authorized to be appropriated such funds as may be required to carry out the purposes of this chapter."

PART C—CONFORMING AMENDMENTS

SEC. 541. (a) The section titled "DECLARATION AND PURPOSE" in title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 197; 84 Stat. 1881; 87 Stat. 197), is amended by inserting immediately after the second paragraph thereof the following new paragraph: 42 USC 3701.

"Congress finds further that the high incidence of delinquency in the United States today results in enormous annual cost and immeasurable loss in human life, personal security, and wasted human resources, and that juvenile delinquency constitutes a growing threat to the national welfare requiring immediate and comprehensive action by the Federal Government to reduce and prevent delinquency."

(b) Such section is further amended by adding at the end thereof the following new paragraph:

"It is therefore the further declared policy of Congress to provide the necessary resources, leadership, and coordination to (1) develop and implement effective methods of preventing and reducing juvenile delinquency; (2) to develop and conduct effective programs to prevent delinquency, to divert juveniles from the traditional juvenile justice system and to provide critically needed alternatives to institutionalization; (3) to improve the quality of juvenile justice in the United States; and (4) to increase the capacity of State and local governments and public and private agencies to conduct effective juvenile justice and delinquency prevention and rehabilitation programs and to provide research, evaluation, and training services in the field of juvenile justice and delinquency prevention."

SEC. 542. The third sentence of section 203(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 as amended (82 Stat. 197; 84 Stat. 1881; 87 Stat. 197), is amended to read as follows: "The State planning agency and any regional planning units within the State shall, within their respective jurisdictions, be representative of the law enforcement and criminal justice agencies including agencies directly related to the prevention and control of juvenile delinquency, units of general local government, and public agencies maintaining programs to reduce and control crime, and shall include representatives of citizens, professional, and community organizations including organizations directly related to delinquency prevention." 42 USC 3723.

SEC. 543. Section 303(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding after the first sentence the following: "In order to receive formula grants under the Juvenile Justice and Delinquency Prevention Act of 1974 a State shall submit a plan for carrying out the purposes of that Act in accordance with this section and section 223 of that Act." 42 USC 3733. Ante, p. 1119.

SEC. 544. Section 520 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by (1) inserting "(a)" after "Sec. 520." and (2) by inserting at the end thereof the following: 42 USC 3768.

"(b) In addition to the funds appropriated under section 261(a) of the Juvenile Justice and Delinquency Prevention Act of 1974, the Administration shall expend from other Law Enforcement Assistance Administration appropriations, other than the appropriations for administration, at least the same level of financial assistance for juvenile delinquency programs as was expended by the Administration during fiscal year 1972." Ante, p. 1129.

SEC. 545. Part F of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding at the end thereof the following new sections: 42 USC 3751.

42 USC 3772. "Sec. 526. The Administrator is authorized to accept and employ, in carrying out the provisions of this Act, voluntary and uncompensated services notwithstanding the provisions of section 3679(b) of the Revised Statutes (31 U.S.C. 665(b))."

42 USC 3773. "Sec. 527. All programs concerned with juvenile delinquency and administered by the Administration shall be administered or subject to the policy direction of the office established by section 201(a) of the Juvenile Justice and Delinquency Prevention Act of 1974. Ante, p. 1112.

42 USC 3774. "Sec. 528. (a) The Administrator is authorized to select, employ, and fix the compensation of such officers and employees, including attorneys, as are necessary to perform the functions vested in him and to prescribe their functions."

"(b) Notwithstanding the provisions of section 5108 of title 5, United States Code, and without prejudice with respect to the number of positions otherwise placed in the Administration under such section 5108, the Administrator may place three positions in GS-16, GS-17, and GS-18 under section 5332 of such title 5."

5 USC 5332 note.

Approved September 7, 1974.

LEGISLATIVE HISTORY:

- HOUSE REPORTS: No. 93-1135 accompanying H. R. 15276 (Comm. on Education and Labor) and No. 93-1298 (Comm. of Conference).
- SENATE REPORTS: No. 93-1011 (Comm. on the Judiciary) and No. 1103 (Comm. of Conference).
- CONGRESSIONAL RECORD, Vol. 120 (1974):
  - July 1, H. R. 15276 considered and passed House.
  - July 25, considered and passed Senate.
  - July 31, considered and passed House, amended, in lieu of H. R. 15276.
  - Aug. 19, Senate agreed to conference report.
  - Aug. 21, House agreed to conference report.
- WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 10, No. 37: Sept. 8, Presidential statement.

Recommendation #6

COMMUNITY DELINQUENCY PROJECTS

The assumption underlying this proposal is that all people, especially poor people know their needs and their desires. Often the "system" and the "establishment" does not recognize and give people the opportunity to express their concerns.

A need exists to utilize private, community-based groups to a greater extent, through service contracts or other supplemental means. Community projects, staffed essentially by persons indigenous to service areas, provide a valuable service delivery resource which is currently underutilized. Such groups are close to local community needs and can provide valuable support on diagnosis and treatment of persistent social problems.

SB 391 Biddle, was signed into law during the previous legislative session. This bill, when appropriated, may serve as a funding source for the proposed recommendation in this report. The bill follows.

Senate Bill No. 391

CHAPTER 1401

*An act to add Article 5.5 (commencing with Section 1790) to Chapter 1 of Division 2.5 of, and to repeal Section 1752.5 of, the Welfare and Institutions Code, relating to the Department of the Youth Authority.*

[Approved by Governor September 26, 1974. Filed with Secretary of State September 26, 1974.]

LEGISLATIVE COUNSEL'S DIGEST

SB 391, Biddle. Department of the Youth Authority.

Deletes specified provisions for assistance of Director of Youth Authority in establishment and work of delinquency prevention councils, committees or county delinquency prevention commissions, and for allocation of funds to such commissions.

Vests authority in Department of the Youth Authority to reduce crime and delinquency by assisting in development, establishment and operation of a comprehensive community based program for crime and crime prevention.

Makes certain provisions operative July 1, 1975.

*The people of the State of California do enact as follows:*

SECTION 1. Section 1752.5 of the Welfare and Institutions Code is repealed.

SEC. 2. Article 5.5 (commencing with Section 1790) is added to Chapter 1 of Division 2.5 of the Welfare and Institutions Code, to read:

Article 5.5. Crime and Delinquency Prevention

1790. The purpose of this article is to reduce crime and delinquency by, assisting the development, establishment and operation of comprehensive public and private community based programs for crime and delinquency prevention.

1791. The Department of the Youth Authority shall exercise leadership on behalf of the state in order to accomplish the purpose of this article. All state agencies shall cooperate with the Department of the Youth Authority in order to bring about a statewide program for the reduction and prevention of crime and delinquency.

1792. The Director of the Youth Authority may provide funds for financial support, in amounts determined by him, from funds available for such purposes, to public or private agencies engaging in crime and delinquency prevention programs. No public or private organization may receive such support unless it complies with the

standards developed pursuant to Section 1793.

1792.1. The director shall make annual allocations from funds made available to him for such purposes for administrative expenses to county delinquency prevention commissions established pursuant to Sections 535.5 and 536 not to exceed one thousand dollars (\$1,000) per year for each commission.

1792.2. The director may make additional matching allocations from funds available to him for such purposes, in amounts determined by him, to county delinquency prevention commissions for the development and operation of delinquency prevention projects or programs administered and operated by local governmental or nongovernmental organizations under the general supervision of the county delinquency prevention commission.

1793. The Director of the Youth Authority shall develop standards for the operation of programs funded under Sections 1792, 1792.1 and 1792.2. He shall seek advice from interested citizens, appropriate representatives of public and private agencies and youth groups in developing such standards.

1794. Application for funds under Sections 1792, 1792.1, and 1792.2 shall be made to the Director of the Youth Authority in the manner and form prescribed by the department. The department shall prescribe the amounts, time, and manner of payments of assistance if granted.

1795. To help communities develop effective local programs, the Director of the Youth Authority may, upon request, provide technical assistance to judges, probation officers, law enforcement officials, school administrators, welfare administrators, and other public and private organizations, and citizen groups. The assistance may include studies and surveys to identify problems, development of written instructional or information materials, preparation of policy statements and procedural guides, field consultation with appropriate persons in the community, and other assistance as appears appropriate.

1796. The Director of the Youth Authority may from funds available to him for such purposes provide funds for demonstration or experimental projects designed to test the validity of new methods or strategies in delinquency prevention programs.

1797. The director may assist in the establishment of public committees having as their object the prevention or decrease of crime and delinquency among youth, and the director may participate in the work of any such existing or established committees.

1798. The Director of the Youth Authority shall appoint an advisory commission on crime and delinquency prevention, not to exceed eight (8) in number, to advise him on matters relating to this article. Committee members shall include interested citizens and representatives of public and private agencies and youth groups. The members of the committee shall be entitled to their reasonable

expenses, including travel expenses, incurred in the discharge of their duties.

1799. The director may, with the approval of the Director of General Services, enter into contracts with the federal government, other state governments, counties, cities, private foundations, private organizations, or any other group to accomplish the purposes of this article.

The importance of involving citizens in making decisions about their lives and needs is crucial. The crippling effect of "doing for" must be replaced with the enabling effect of "doing with."

Community Delinquency Projects can give people the opportunity and necessary resources to make decisions about their own needs and concerns. Through resident involvement, citizens living in selected neighborhood areas are able to assess their needs, and implement programs which must effectively meet those identified needs.

If programs are implemented to meet community needs and increase community pride, major steps towards preventing delinquency are inevitable.

Witnesses supported the concept that delinquency is not an individual problem; it is a family problem; it is a community problem.

One witness testified that the root of the problem of delinquency was primarily in the community, not the schools. He added that many juveniles experience certain problems and frustrations in the community. These problems along with the disintegration of the family structure; the frustration of poverty; and the lack of community facilities act as catalysts for violence.

It is important for individuals, families and citizens to gain the knowledge and the ability necessary to work through the "system." They can thereby achieve for themselves visible successful results along with meaningful roles.

The basis of the community delinquency project is that it works closely with people, enabling them to have a positive and meaningful life. The project is staffed by personnel on loan from agencies and departments, and professionals and paraprofessionals who live in the community.

The ultimate goal of the project is to develop expertise in residents so that subsequently they will be primarily responsible for the operation of the program. It is therefore essential that the staff have the ability to help people achieve for themselves.

The project also attempts to bridge the gap of alienation between youth and adults by having them work together as teams.

A similar Community Delinquency Project has begun operating in Sacramento. A copy of the information flyer follows.

# The Youth Development and Delinquency Prevention Project

## What is it?

- A model program developed and organized by the California Youth Authority to prevent delinquency with the total involvement of the community. This means that the community will be responsive and sensitive to the needs of youth. A team approach will be the method, for the community, and the County Delinquency Prevention Commission will work together.

## Why is it necessary?

- The program provides an opportunity for citizens in the community to determine their needs, problems and concerns and it provides assistance to community to act on its own behalf, solve its own problems and determine the solutions.

## Where is it?

- This program is based in three (3) communities, Sacramento is the location of the third model. The other communities are Oakland and Oxnard.

## How does it work?

- It works by Youth and Adult teamwork. They work together to assure the effective delivery of services for youth and the total community. The program will assure cooperation and an association with other agencies and organizations in a defined area such as Del Paso Heights.

The residents of the community will assess their needs and recommend the program that is necessary to meet those needs which will result in positive change in their community. The

program consists of self-help and mutual aid with the residents helping each other.

The goal of the program is to build a community together!

At the end of three (3) years, it is hoped that the residents of the community will be responsible for the operation of the program.

Youth Development & Delinquency  
Prevention Project  
Lyndsay Brown, Project Director  
(Central Office) : 322-2190

Recommendation #7

COUNSELING TEAMS

It is recommended that the legislature establish counseling teams for designated target high school boundary areas. Teams will be staffed by personnel from schools, probation, courts, law enforcement, social service and health agencies, and hospitals.

The goal of the team would be to provide for juveniles a social-emotional climate at home, in school, on the job, and in the community conducive to the motivation of behavior and inter-personal growth.

Services would be made available to both elementary and secondary schools, students, and parents. Service priorities would go to juveniles showing truant and disruptive behavior and students who have been suspended or expelled. The teams would also serve as a resource diversion unit for law enforcement personnel.

The counseling teams would implement a plan that reflects the following criteria:

- comprehensive program approach
- provision for community participation including coordination with community agencies, in the development and implementation of the program
- provide for in-service training for all participants in the program
- provision that will accommodate school-community and home-agency differences
- provision that allows for cultural background of the community the program is designed to serve
- provisions for needs assesment, on-going evaluation, and program correction

The Select Committee heard that truancy was the one factor most often found in the records of delinquent juveniles. Viewed as a predictive factor, truancy could mobilize the counseling teams to provide for children and youth the necessary preventive services.

The teams would provide the following pupil services:

a) Guidance

Those activities that help pupils assess and understand their abilities, aptitudes, interests, environmental factors, and educational needs; assist pupils in understanding educational and career opportunities; and aid pupils in making optimum use of educational and career opportunities through formulation of realistic goals.

Guidance includes such activities as counseling pupils and parents, evaluating the abilities of pupils, assisting pupils to make their own educational career plans and choices, assisting pupils in personal and social adjustments, and working with other staff members in planning and conducting guidance programs.

b) Counseling

Those activities that supplement the school system reservoir of information identifying the individuality of each pupil, his capacities, achievements, interests, potentialities, and needs; study the individual pupil experiencing acute problems of educational development to furnish diagnostic information; and suggest programs concerning the psychological aspects of these problems.

c) Attendance and pupil welfare

Those activities that promote and improve the school attendance of pupils and assist in the prevention or solution of the personal, social, and emotional problems of pupils involving family, school, and community relationships. Attendance services consist of such activities as early identification of patterns of nonattendance, promotion of positive pupil and parent attitudes toward attendance, analysis of causes of nonattendance, early action on problems of nonattendance to include interpreting these problems of pupils for other staff members, and promoting modification of the circumstances surrounding the individual pupil that are related to his problem insofar as the resources of the family, school, and community can be brought to bear on them.

d) Health

Those activities that provide physical and mental health services, such as medical, dental, psychiatric, and nursing services.

A similar plan was introduced during the previous legislative session. The bill, AB 3001 (McAlister) passed through the Assembly but failed to pass out of the Senate Education Committee. In place of ADA, the bill relied on average active enrollment as a funding source. Multiple-agency staffing, as outlined in this proposal, was not a part of AB 3001.

The counseling teams would attempt to integrate systems of communication and services. Witnesses reported that for juveniles, late involvement of appropriate personnel was harmful. Young people in trouble need immediate counseling. The counseling teams could function during the day, evening, and weekends.

The teams could utilize crisis intervention techniques and serve as a community resource diversion unit for law enforcement personnel. Out-reach approaches into the community would be stressed.

Sometimes juveniles experience problems at home and in the community. They bring these problems to school. The counseling teams would allow for individual intensive treatment, and provide immediate intervention in crisis situations. The counseling teams would be utilized by the school and surrounding agencies, churches, and groups to effect positive changes in young people.

Recommendation #8

ALTERNATIVE COMMUNITY SCHOOLS

It is recommended that the legislature establish alternative community schools in designated areas to improve and upgrade the quality of education in these areas. The goal of each school would be to provide for each child, the necessary skills and educational experiences which would maximize self-awareness, self-esteem, and self-actualization.

Alternative community schools would:

- involve students, parents, and citizens in the planning, implementation, and evaluation of the educational model,
- provide for vocational training towards the development of saleable skills,
- mesh educational experiences with community resources (which include museums, performing arts schools, colleges, universities, businesses, companies, and government agencies).
- provide students, parents, and community people with a greater degree of responsibility for the governance of the schools,
- encourage the development of individualized programs and innovative educational approaches,
- utilize instructional technology, instructional systems, and interdisciplinary approaches,
- give teachers the opportunity to teach by innovative and creative methods,
- utilize cross-age tutoring and teaching,
- test the validity of the alternative community school concept under planned conditions with on-going relevant evaluation,
- provide students and parents with a greater degree of responsibility over the type of school they attend and utilize,
- fix accountability for educational expenditures,
- involve students, parents, and citizens in planning and evaluating educational expenditures,
- determine if cooperation among educators, students, parents, and citizens will result in a higher quality of education for all.

The lack of proper schooling and the failure to meet students' diverse goals and motivations is a primary problem in disruptive behavior.

Allen Breed, Director of the California Youth Authority, offered the following tentative underlying factors for student misbehavior:

- Community not actively involved in their schools.
- School boards not responsive to student needs.
- Teachers and administrators who do not live in the "core area" school community have little stake in it.
- Students not involved in school policy making.
- Large impersonal classes lead to student alienation.
- Staff not trained to identify "problem" students or deal constructively with violence.

In The Greening of the High School, (a report about a stimulating symposium), community centered schools are discussed and advocated. The report says:

"When real people and their real needs are truly the center of school planning, the schoolhouses that result are apt to be strikingly different from those we know."

This proposal attempts to incorporate most of the recommendations gathered by the Select Committee.

Alternate community schools can bring about the necessary educational reforms recommended by witnesses, students, and citizens.

The concept of a community school is not a new approach. During the 1970 legislative session, AB 782, authored by Assemblyman Leon Ralph, recommended the establishment of Urban Community Schools. The bill was vetoed by the Governor.

A copy of the bill is presented.

AMENDED IN SENATE AUGUST 18, 1970

AMENDED IN SENATE AUGUST 11, 1970

AMENDED IN ASSEMBLY MAY 14, 1970

CALIFORNIA LEGISLATURE—1970 REGULAR SESSION

**ASSEMBLY BILL**

**No. 782**

Introduced by Assemblymen Ralph, Bill Greene, Burton, Karabian,  
Brathwaite, Brown, Campbell, Fong, and Miller  
(Coauthor: Senator Dymally)

February 18, 1970

REFERRED TO COMMITTEE ON EDUCATION

*An act to add Chapter 6.7 (commencing with Section 6499.30)  
to Division 6 of the Education Code, relating to the Urban  
Community Schools Act of 1970.*

*The people of the State of California do enact as follows:*

1 SECTION 1. Chapter 6.7 (commencing with Section 6499.30)  
2 is added to Division 6 of the Education Code, to read:

3  
4 CHAPTER 6.7. URBAN COMMUNITY SCHOOLS ACT OF 1970

5  
6 Article 1. Intent

7  
8 6499.30. The Legislature hereby finds and declares that  
9 critical educational and social problems exist in schools located

LEGISLATIVE COUNSEL'S DIGEST

AB 782, as amended, Ralph (Ed.). Urban Community Schools Act.  
Adds Ch. 6.7 (commencing with Sec. 6499.30), Div. 6, Ed.C.  
Enacts Urban Community Schools Act of 1970. Specifies legislative  
intent with respect thereto.

Provides for designation of certain urban public schools in economi-  
cally disadvantaged areas as urban community schools. Provides al-  
ternatives for pupils to continue attendance in such urban community  
schools. Requires director to inform parents of pupils attending com-  
munity schools of such alternatives.

Provides for the establishment, operation, and control of urban com-  
munity schools.

AB 782

— 2 —

1 in economically disadvantaged urban areas and that, notwith-  
2 standing certain encouraging and worthwhile programs in  
3 various schools, the creation of educational alternatives is a  
4 worthwhile means to improve the quality of education in these  
5 areas.

6 The Legislature further finds and declares that many schools  
7 located in economically disadvantaged urban areas have an  
8 unusually high proportion of relatively inexperienced teachers  
9 and overcrowded classrooms and that, in many grades, disad-  
10 vantaged pupils are not showing significant educational im-  
11 provement. Some parents and pupils are urgently requesting  
12 the opportunity to share in the decisionmaking responsibilities  
13 in education presently being exercised by others and residents  
14 of low-income areas are asserting that with a minimum of  
15 technical help they could do a significantly better job of edu-  
16 cating the children of the community than is being done by  
17 existing educational programs.

18 6499.31. It is the intent of the Legislature in enacting the  
19 Urban Community Schools Act of 1970 to upgrade the quality  
20 of education in economically disadvantaged urban areas by:

21 (a) Providing the parents of pupils in economically disad-  
22 vantaged urban areas with alternative forms of education for  
23 their children.

24 (b) Providing parents of pupils in economically disad-  
25 vantaged urban areas with a greater degree of responsibility  
26 for the governance of such schools.

27 (c) Encouraging the development of experimental programs  
28 and educational methods and techniques to cope with the  
29 problems involved in the education of disadvantaged children  
30 through cooperation and collaboration among the urban com-  
31 munity school districts.

32 (d) Testing the validity of the community school concept  
33 under controlled experimental conditions with assurances of  
34 careful evaluation.

35 (e) Giving teachers the opportunity to teach by innovative  
36 and creative methods.

37 (f) Providing parents of pupils in economically disadvan-  
38 taged urban areas with a greater degree of responsibility over  
39 the type of school their children attend.

40 (g) Determining if competition among educators will re-  
41 sult in a higher quality of education for all pupils.

42 (h) Fixing accountability for educational expenditures.

43 6499.32. All programs conducted pursuant to this chapter  
44 shall be within the state system of public instruction and sub-  
45 ject to provisions of the Education Code. These programs shall  
46 be determined to be compensatory in nature, as defined by

Makes related provisions re source and allocation of funds in Urban  
Community School Fund.

Provides that programs under act shall become operative no later  
than September 1, 1972, and shall cease after 3 years of operation.

Vote—Majority; Appropriation—No; Fiscal Committee—Yes.

1 Section 6453, and shall be regarded as alternative programs of  
 2 public education offered selected pupils by the State of Cali-  
 3 fornia. It is the intent of the Legislature that these programs  
 4 shall be subject to the same requirements which apply to other  
 5 districts in directing the use of special compensatory funds,  
 6 but that no additional state or federal control be implemented  
 7 over programs established by this chapter because they are  
 8 defined as compensatory in nature.

9  
 10 Article 2. Definitions

11  
 12 6499.35. For the purposes of this chapter, the following  
 13 definitions, unless context otherwise requires, shall be con-  
 14 trolling:

15 (a) "Director" means a director within the Department of  
 16 Education.

17 (b) "Office" means an office within the Department of Edu-  
 18 cation.

19 (c) "Economically disadvantaged area" means the areas  
 20 specified in Section 6482.

21 (d) "Community advisory council" means a representa-  
 22 tive body of community persons which acts on behalf and  
 23 under the direction of the director in educating parents of  
 24 pupils regarding the various educational alternatives made  
 25 available to them by the provisions of this chapter.

26 (e) "Parent" means the parent, guardian, or other person  
 27 having custody of a pupil residing in the attendance area of an  
 28 urban community school.

29 (f) "Attendance areas" mean the school areas, as defined  
 30 by school districts for the 1969-70 school year, wherein urban  
 31 community schools are located.

32 (g) "Urban community school" means a selected public  
 33 elementary or secondary school in an economically disadvan-  
 34 taged area within a school district having an average daily  
 35 attendance of not less than 1,000 pupils and not more than  
 36 625,000 pupils.

37 (h) "Urban community school district" means the attend-  
 38 ance areas served by a complex of urban community schools,  
 39 including and limited to one elementary school, one inter-  
 40 mediate or junior high school, and one high school. These  
 41 schools shall serve the same, or part of the same, attendance  
 42 areas.

43 (i) "Governing board" means the board of trustees of an  
 44 urban community school district.

45 (j) "School advisory committee" means a representative  
 46 group of parents, teachers, and students for an urban commu-  
 47 nity school.

48 Article 3. General

49  
 50 6499.44. Programs under this chapter shall be administered  
 51 by the director.

1 6499.45. The director shall adopt rules and regulations to  
 2 carry out the provisions of this chapter.

3 6499.46. The provisions of this chapter shall govern in the  
 4 event there is a conflict with other statutory provisions.

5 6499.47. The effective date for transfer of legal authority  
 6 from a school district to an urban community district  
 7 established by this chapter shall be the first day of July, 1971  
 8 or 1972, whichever year is designated on the petition of voters  
 9 as provided for in Section 6499.53.

10  
 11 Article 4. Urban Community School Districts

12  
 13 6499.50. In the economically disadvantaged areas of the  
 14 school district with the highest concentration of pupils  
 15 qualifying pursuant to regulations established under Section  
 16 6482, the director shall identify schools which may qualify as  
 17 urban community schools. The director shall inform parents of  
 18 pupils attending eligible schools of the educational alternatives  
 19 allowable under this article. As a means of carrying out these  
 20 duties, the director shall appoint a 25-member community ad-  
 21 visory council under the following provisions:

22 (a) Membership shall be broadly representative of the re-  
 23 gions circumscribed by the attendance boundaries of all eligi-  
 24 ble schools within the most economically disadvantaged areas  
 25 of the school district.

26 (b) Nominations of members shall be solicited from all in-  
 27 terested groups and persons in the affected communities.

28 (c) Members shall be appointed for one-year terms.

29 (d) Vacancies shall be filled by the director.

30 (e) Members shall be reimbursed for expenses incurred in  
 31 the performance of their duties from the Self-Determination  
 32 School Fund.

33 (f) The council shall elect a chairman from among its  
 34 members.

35 (g) Meetings of the council shall be called by the chairman,  
 36 or by a majority of council members.

37 6499.51. The director, through the community advisory  
 38 council, shall assist parents in choosing one of the available  
 39 alternatives. Such assistance shall include, but not be limited  
 40 to, providing parents with technical advise and consultation in  
 41 such matters as school board elections, powers and duties of  
 42 governing boards, contract negotiation, finance, management  
 43 problems, curriculum requirements, community participation,  
 44 and other related matters, so that parents may establish and  
 45 maintain urban community school districts. In each school dis-  
 46 trict, the community advisory council appointed pursuant to  
 47 Section 6499.50 shall be terminated by the director within two  
 48 months after the operative date of instructional programs  
 49 established by this chapter.

1 6499.52. The community advisory council may solicit vol-  
2 unteer support for the carrying out of its duties from what-  
3 ever sources it deems desirable.

4 6499.53. Upon receiving the consent of the school district  
5 board of education and a petition of consent from at least  
6 25 percent of the qualified voters within the attendance areas  
7 of a complex of eligible schools, as described in subdivision  
8 (h) of Section 6499.35, the county superintendent shall call  
9 a special election within the affected areas, under the provi-  
10 sions of this article and those contained in Chapter 6 (com-  
11 mencing with Section 1301) of Division 4, for the establish-  
12 ment of an urban community school district and the selection  
13 of members of a governing board. The first three districts  
14 established by election shall constitute the experimental sample  
15 for programs under this chapter. The cost of the election shall  
16 be paid from the county school service fund. All elections held  
17 for these purposes shall be called prior to January 15, 1971.

18 6499.54. Urban community school districts established pur-  
19 suant to this article shall qualify as legally constituted dis-  
20 tricts as defined in Division 4 (commencing with Section  
21 911), with all the powers and duties granted to the school  
22 districts from which they emerged, unless specifically pro-  
23 vided otherwise by provisions of this chapter.

24 6499.55. The governing boards of urban community  
25 schools shall consist of seven members elected at large by the  
26 qualified voters within the attendance regions of eligible pupils  
27 as determined by the director under the provisions of Sec-  
28 tion 6482. The terms of the members shall be for four years  
29 and staggered so that as nearly as practicable one-half of the  
30 members shall be elected in each even-numbered year.

31 Members so elected shall be considered as officers of the  
32 public schools within the purview of Section 8 of Article IX  
33 of the California Constitution.

34 6499.56. Nothing in this article shall preclude the estab-  
35 lishment of more than one urban community school district  
36 within a single school district. Each district established shall  
37 elect a governing board under the provisions of this article.  
38 These boards shall be independent of each other as well as  
39 autonomous from the school district board of education.

40 6499.57. The governing board shall prescribe and enforce  
41 rules within the limits set pursuant to this article and fixed  
42 by law.

43 6499.58. The governing boards of urban community schools  
44 may exempt themselves from any of the provisions of Division  
45 8 (commencing with Section 9201) to Division 10 (commenc-  
46 ing with Section 12901), inclusive, when it is deemed desirable  
47 and necessary for the governance of schools over which they  
48 have jurisdiction, except that all employees shall be subject

1 to the provisions of Article 2 (commencing with Section 12951)  
2 of Chapter 1 of Division 10 prohibiting Communist Party  
3 membership.

4 6499.59. Noncertificated instructional personnel, hired by  
5 the governing board under the provisions of Section 6499.58,  
6 shall possess such training or experience which especially  
7 qualifies them for their particular assignments.

8 6499.60. The governing board shall select a seven-member  
9 quality education advisory council which shall be composed of  
10 qualified experts in education, including faculty from higher  
11 education and vocational-technical education, which shall func-  
12 tion as an advisory body to the governing board and superin-  
13 tendent of the experimental schools.

14 6499.61. The governing board of any urban community  
15 school district shall have a school advisory committee of  
16 seven members from each school to advise the governing board  
17 concerning the needs of that school. The governing board shall  
18 call elections for members within the first month of each school  
19 year. Members shall serve a term of one calendar year, with  
20 vacancies being filled by board appointment. Membership of  
21 each school advisory committee shall consist of three parents,  
22 two instructors, and two students to be elected by their respec-  
23 tive groups. Each school advisory committee shall select a  
24 chairman from among its members.

25 6499.62. All material assets, including all books, equip-  
26 ment, and supplies, located on and within the physical plant of  
27 existing schools at the time of their being designated urban  
28 community schools under provisions of this article, shall be-  
29 come the property and responsibility of the governing boards  
30 of urban community schools at the designated time for transfer  
31 of legal authority from the school district to the urban com-  
32 munity school districts.

33 6499.63. Prior to the opening of urban community schools,  
34 each governing board shall prepare and submit to the director  
35 a statement of the goals and performance objectives of its  
36 educational program. A plan describing methods to be used to  
37 achieve goals and objectives which provides for growth de-  
38 velopment of the instructional staff shall accompany this state-  
39 ment. This statement shall be developed with the assistance  
40 and involvement of parents, employees, the executive officer,  
41 and whatever outside consultants as are deemed desirable by  
42 the board.

43 6499.64. The director, in cooperation with each governing  
44 board, shall contract with qualified agencies for formal eval-  
45 uation studies of the educational programs of urban com-  
46 munity schools. An annual evaluation report shall be sub-  
47 mitted to the director. A thorough evaluation study shall be  
48 forwarded to the Legislature by the director within three years  
49 of the start of these experimental programs. Such evaluation  
50 shall include, but is not limited to, measures of achievement

1 gains, attitudinal changes, and organizational effectiveness.  
 2 These measures shall reflect each school's success in achieving  
 3 the district's stated goals and performance objectives as well  
 4 as providing standardized test data for local, state, and na-  
 5 tional comparisons. Each governing board shall provide what-  
 6 ever data and allow for whatever means of collection the  
 7 evaluation team deems necessary, so long as such research does  
 8 not unduly interfere with the instructional programs under  
 9 observation.

10 6499.65. Urban community schools shall be leased from the  
 11 school districts from which they emerged under terms and  
 12 conditions agreed upon between the governing boards of both  
 13 school districts. The rental premium shall be at the rate of one  
 14 dollar (\$1) per school per year. The county superintendent of  
 15 schools shall assist in the negotiation of lease contracts re-  
 16 quired by this section.

17 6499.66. Each governing board of urban community schools  
 18 shall employ an executive officer at each school to administer  
 19 the school program. Executive officers employed under this  
 20 section shall hold a valid teacher's credential and have a  
 21 minimum of four years of public school teaching experience.  
 22 The provisions of this section supersede those in Section 946.

23 6499.67. Any employee of a school district containing  
 24 urban community schools, upon applying to and being em-  
 25 ployed by an urban community board of trustees, shall be  
 26 considered on leave from the district for the first three years  
 27 of employment in the experimental program and shall retain  
 28 all rights and benefits accruing to other employees in similar  
 29 positions. Persons employed under this chapter currently hold-  
 30 ing active membership in the retirement system provided for  
 31 in the charter of any county or city section shall be allowed to  
 32 remain in said retirement system during the three-year exper-  
 33 imental period. Governing boards of urban community school  
 34 districts shall pay the school district's contribution to the  
 35 retirement system for any such employee who so requests this  
 36 payment. Any employee of the school district who regularly  
 37 occupies a position within a school which has been designated  
 38 as an urban community school shall, prior to the effective date  
 39 for transfer of legal authority from the school district to the  
 40 urban community school district, have the right to transfer to a  
 41 vacant position in the same classification at a different loca-  
 42 tion in the school district, or, if there is no vacancy, to dis-  
 43 place the employee in the school district with the least seniority  
 44 in this class.

45 6499.68. The governing board shall fix and order paid the  
 46 compensation of persons in public school service employed by  
 47 the board unless otherwise prescribed by law.

1 6499.69. The governing board shall adopt rules and pro-  
 2 cedures for handling the employment and dismissal of em-  
 3 ployees.

4 6499.70. The governing board shall adopt whatever rules  
 5 and procedures it deems necessary to assure proper hearing of  
 6 employee grievances.

7 6499.71. The governing board shall give priority of admis-  
 8 sion to pupils enrolled at public schools which are designated  
 9 urban community schools, by the director pursuant to this  
 10 article. Additional pupils may be admitted to urban com-  
 11 munity schools by the governing board from other schools  
 12 within the school district. Pupils attending urban community  
 13 schools may attend other schools within the school district  
 14 unless such admission would result in a pupil-to-teacher ratio  
 15 of greater than 33 to 1 for the particular instructional level.  
 16 Criteria for admittance shall include a policy of striving for  
 17 racial balance among the pupil personnel of the experimental  
 18 program.

19 6499.72. The governing board is liable for the safety and  
 20 well-being of pupils within its charge on the same basis and to  
 21 the same extent as are school districts generally.

22 6499.73. The governing board shall implement and super-  
 23 vise such health and safety programs as it deems necessary for  
 24 the physical and social well-being of pupils under its juris-  
 25 diction.

26 6499.74. The governing board shall provide lunches for  
 27 such pupils in urban community schools as it deems necessary.

28 6499.75. The governing board shall be responsible for as-  
 29 suring the excellence of all instructional materials used in the  
 30 experimental programs.

31 6499.76. Upon termination of the experimental programs  
 32 established under the provisions of this chapter, all employee  
 33 contracts extending beyond the termination date shall be void  
 34 on that date and the governing board which issued the con-  
 35 tracts shall not be liable for damages accruing as a result of  
 36 legislative action terminating the programs.

37 6499.77. Upon termination of the experimental programs  
 38 established under the provisions of this chapter, all material  
 39 assets which are the property and responsibility of the gov-  
 40 erning board of urban community schools shall be returned  
 41 to the public school district from which the assets were origi-  
 42 nally transferred.

43 6499.78. Qualified voters residing within urban school dis-  
 44 tricts shall retain voting rights in all public school district  
 45 elections.

46 Article 5. Finances

47  
 48 6499.80. There is in the State Treasury the Urban Com-  
 49 munity School Fund. Such moneys as may be appropriated to  
 50 the fund by the Legislature, the federal government, and na-

1 tional foundations, and such moneys as may be provided the  
2 fund under the provisions of this article shall be devoted to  
3 the financial support of educational programs established by  
4 this chapter.

5 6499.81. Governing boards of urban community school dis-  
6 tricts shall be exempt from provisions of this code authorizing  
7 the computing, fixing, and levying of school taxes. Urban com-  
8 munity school districts shall be regarded for taxing purposes  
9 as part of the school district from which they emerged. The  
10 school districts shall collect school taxes from the areas served  
11 by urban community districts.

12 6499.82. In the three fiscal years of the experiment, the  
13 boards of education of the parent districts shall allocate to the  
14 governing boards within their taxing districts, on the basis of  
15 average daily attendance, a proportionate share of local and  
16 state funds. The county superintendent shall determine the  
17 dollar amount of this allocation, taking into account all ap-  
18 plicable revenues. Federal funds shall be excluded from this  
19 allocation.

20 6499.83. For purposes of entitlement to special federal and  
21 state funds, urban community school districts shall be defined  
22 as public school districts under the requirements of federal  
23 law and shall qualify for all federal and state funds other-  
24 wise apportionable to pupils attending programs established  
25 by this chapter.

26 A proportionate share of new federal funds under Title V  
27 of the Elementary and Secondary Education Act of 1965 shall  
28 be apportioned to the Urban Community School Fund to  
29 cover the eligibility of pupils in urban community districts.

30 6499.85. The director shall allocate moneys for programs  
31 created by this chapter within the limits determined by the  
32 availability of funds. In no case may the total number of  
33 pupils participating annually in the various programs exceed  
34 17,000 for the initial three-year experiment. Programs estab-  
35 lished under this chapter shall become operative no later than  
36 September 1, 1972 and shall cease after three years of opera-  
37 tion. The director may authorize expending whatever funds he  
38 deems necessary to assure proper planning and administration  
39 of these programs.

The Alternative Community School proposal allows for the establishment of alternative schools in any area (not specifically economically disadvantaged). The recommendation provides students, parents, and community people with a greater degree of responsibility for the governance of the schools.

Witnesses agreed that continuation and opportunity schools are effective in solving many of the problems of delinquents because they provide personal attention.

An alternative school utilizing innovative approaches will provide this same personal attention. An alternative school does not separate or stigmatize students. The needs of each pupil are recognized, and with the concerted efforts and backing from the community, these needs are met by utilizing appropriate coordinated resources.

The concept of "community control" sometimes mushrooms into bitter disputes. Often school personnel and boards feel personally critized, and that they will be "giving something up." There is enough to go around.

Community responsibility and "shared decision making" can initiate a cooperative interchange increasing productivity and pride.

MEDIA TASK FORCE TO REDUCE VIOLENCE

It is recommended that the legislature establish a Task Force to work with the media on reducing the beautification of acts of crime and violence. Studies suggest that present portrayals of violence in the press and on television result in feelings of immunity towards acts of crime and death.

The Task Force would study and recommend to the legislature approaches through the media which would aid in the reduction of juvenile violence.

The beautification and glorification of acts of murder, rape, and assault on television, in magazines, and in newspapers is rampant. Dope and illicit businesses are portrayed as desirable choices, even for national figures. "Super-Fly" years ago replaced some of the previously identified youth heroes. Scenes of malnutrition, death, and suffering deaden human feelings.

A Psychologist aptly stated the problem:

"...This society...has the component of violence as an integral part of its make-up. It is not a difficult task to find ample examples. The inhumane war in Viet Nam which has been vividly portrayed on the T.V. screens is a case in point. Our children have watched babies burning to death and villages being decimated with no apparent humane motive.

The violence which is so embedded in this society is presented to our children as a regular diet as a result of the audio-visual media. Analyses of T.V. content has repeatedly shown that violence is portrayed in a large percentage of the popular programs.

Many researchers have shown that the viewing of such aggressive materials results in the imitation of such behavior on the part of children.

Many of the more popular movies or those that have the benefit of the most effective publicity campaigns are extremely violent or ones in which the taking of another's life, usually vividly portrayed, is done without any expression of emotion or, in some cases, with apparent enjoyment.

This proposal establishes a Task Force to work with other groups throughout the state on reducing the beautification of acts of violence in the media. The Task Force can build a coalition of interested parents, teachers, social workers, ministers, citizens and public workers in the media field.

Public awareness, sentiment, and concern, organized as a powerful tool, can reshape what is presently being presented to young people.

SCHOOL EMERGENCY PLANS

It is recommended that the legislature provide funds to school districts for developing and implementing school emergency plans to prevent and combat violence on school campuses. Emergency plans would involve:

- students, school personnel, parents, community leaders, and juvenile justice personnel in the development and implementation of the plan,
- the improvement of school communication systems,
- the regulating of access to school campuses if indicated,
- the recruitment of parents and community people as security guards,
- the provision for in-service training of security personnel to minimize psychological damage to non-criminal students, and
- coordination with existing juvenile diversion units for appropriate disposition of students violating campus rules.

Witnesses from schools at the Select Committee hearings discussed their areas of immediate concern: loitering, vandalism, and security.

Many felt that there was a need for new legislation to handle the problem of loitering and unauthorized trespassers on school grounds. Both the schools and the police requested something more definite than a loitering law that requires a showing of criminal intent in order to remove a person from school grounds. Teachers and administrators wanted more control over who is on campus.

A School Safety bill (AB 4289) was introduced by Assemblyman Dixon. The bill failed to pass the Assembly Education Committee. A copy of the bill follows:

AMENDED IN ASSEMBLY JUNE 5, 1974

CALIFORNIA LEGISLATURE—1973-74 REGULAR SESSION

ASSEMBLY BILL

No. 4289

Introduced by Assemblymen Dixon, Chacon, Karabian,  
Keysor, Meade, and Waxman

May 6, 1974

REFERRED TO COMMITTEE ON EDUCATION

*An act to amend Sections 16651, 16652 and 20801 of the Education Code, relating to school safety, AND MAKING AN APPROPRIATION THEREFOR.*

LEGISLATIVE COUNSEL'S DIGEST

AB 4289, as amended, Dixon (Ed.). School safety. Authorizes the maximum ~~tax rate of a unified~~ school district *tax rate* to be increased by 10 cents *for a unified school district, and 5 cents for an elementary or high school district*, per each \$100 assessed value of property in the district, for purposes of purchasing and installing protective warning devices and intrusion alarms and taking necessary measures to protect *school pupils, personnel and buildings of the district*.

Vote: majority. Appropriation: ~~no~~ *yes*. Fiscal committee: ~~no~~ *yes*. State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 16651 of the Education Code is
- 2 amended to read:
- 3 16651. The purposes of this chapter (commencing
- 4 with Section 16651) are:

1 (a) To promote and preserve the health and general  
 2 welfare of the people of the state and to cultivate the  
 3 development of good citizenship by provision for  
 4 adequate programs of community recreation.  
 5 (b) To authorize public corporations or districts  
 6 having powers to provide recreation, cities, counties,  
 7 cities and counties, and public school districts to organize,  
 8 promote, and conduct such programs of community  
 9 recreation as will contribute to the attainment of general  
 10 educational and recreational objectives for children and  
 11 adults of the state.  
 12 (c) To authorize school districts to provide for the  
 13 safety of the school environment.  
 14 SEC. 2. Section 16652 of the Education Code is  
 15 amended to read:  
 16 16652. The following terms, wherever used or  
 17 referred to in this chapter (commencing at Section  
 18 16651) have the following meanings, respectively, unless  
 19 a different meaning clearly appears from the context:  
 20 (a) "Public authority" means any city of any class, city  
 21 and county, county of any class, public corporation or  
 22 district having powers to provide recreation, or school  
 23 district in the state.  
 24 (b) "Governing body" means, in the case of a city, the  
 25 city council, municipal council, or common council; in  
 26 the case of a county or city and county, the board of  
 27 supervisors; in the case of a public corporation or district,  
 28 the governing board of the public corporation or district;  
 29 and in the case of a school district, the governing board  
 30 of the school district.  
 31 (c) "Recreation" means any activity, voluntarily  
 32 engaged in, which contributes to the physical, mental, or  
 33 moral development of the individual or group  
 34 participating therein, and includes any activity in the  
 35 fields of music, drama, art, handicraft, science, literature,  
 36 nature study, nature contacting, aquatic sports, and  
 37 athletics, or any of them, and any informal play  
 38 incorporating any such activity.  
 39 (d) "Community recreation" and "public recreation"  
 40 mean such recreation as may be engaged in under direct

1 control of a public authority.  
 2 (e) "Recreation center" means a place, structure,  
 3 area, or other facility under the jurisdiction of a  
 4 governing body of a public authority used for community  
 5 recreation whether or not it may be used primarily for  
 6 other purposes, playgrounds, playing fields or courts,  
 7 beaches, lakes, rivers, swimming pools, gymnasiums,  
 8 auditoriums, libraries, parks adjacent to school sites,  
 9 rooms for arts and crafts, camps, and meeting places.  
 10 Playgrounds, outdoor playing fields or courts,  
 11 swimming pools, and camps, with necessary equipment  
 12 and appurtenances for their operation, under the  
 13 jurisdiction of a governing board of a public authority  
 14 used for community recreation shall be considered  
 15 recreation centers within the meaning of this chapter  
 16 (commencing at Section 16651) whether or not they may  
 17 be used primarily for other purposes.  
 18 (f) "Safety" means the authority of a school district to  
 19 purchase and install protective warning devices and  
 20 intrusion alarms and to take necessary measures to  
 21 protect *pupils, personnel and* school buildings of the  
 22 district.  
 23 SEC. 3. Section 20801 of the Education Code is  
 24 amended to read:  
 25 20801. The maximum rate of school district tax for any  
 26 school year is hereby increased by such amount as will  
 27 produce the amount of the proposed expenditures of the  
 28 school district required or authorized pursuant to  
 29 Sections 13561 and 13561.1, Sections 16551 to 16566,  
 30 inclusive, and Section 16651 to 16664, inclusive, of this  
 31 code as shown by the budget of the district for such school  
 32 year, as finally adopted by the governing board of the  
 33 district, less any unencumbered balances remaining at  
 34 the end of the preceding school year derived from the  
 35 revenue from the increase in the rate of tax provided by  
 36 this section.  
 37 The increase provided by this section shall not exceed  
 38 five cents (\$0.05) per each one hundred dollars (\$100) of  
 39 the assessed value of property within the district, and said  
 40 increase shall be in addition to any other school district

1 tax authorized by law to be levied.

2 In a unified school district the increase provided by this  
3 section shall not exceed ten cents (\$0.10); ~~and an~~  
4 ~~additional ten cents (\$0.10) for the purposes of~~  
5 ~~subdivision (f) of Section 16652~~, per each one hundred  
6 dollars (\$100) of the assessed value of property within the  
7 district if the district maintains one or more elementary  
8 ~~school schools~~ and high schools, and shall not exceed  
9 fifteen cents (\$0.15) per each one hundred dollars (\$100)  
10 if the district maintains, in addition, one or more  
11 community colleges, and said increase shall be in addition  
12 to any other school district tax authorized by law to be  
13 levied.

14 In a high school district which maintains a community  
15 college, the increase provided for by this section shall not  
16 exceed ten cents (\$0.10) per each one hundred dollars  
17 (\$100) of the assessed value of property within the  
18 district, and said increase shall be in addition to any other  
19 school district tax authorized by law to be levied.

20 *The maximum rate of school district tax per each one*  
21 *hundred dollars (\$100) of the assessed value of property*  
22 *within the district is hereby increased by the following*  
23 *additional amounts for the purposes of subdivision (f) of*  
24 *Section 16652: (a) for each elementary school district and*  
25 *each high school district, an amount not to exceed five*  
26 *cents (\$0.05); (b) for each unified school district, an*  
27 *amount not to exceed ten cents (\$0.10). Such increase*  
28 *shall be in addition to any other school district tax*  
29 *authorized by law to be levied.*

30 If at the end of any school year there remains an  
31 unencumbered balance derived from the revenue of the  
32 increase in tax rate hereby provided, such balance shall  
33 be used exclusively in the following school year for the  
34 expenditures of the school district during that year  
35 required or authorized by Sections 13561 and 13561.1,  
36 Sections 16551 to 16566, inclusive, and Sections 16651 to  
37 16664, inclusive, of this code.

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AB 4289 provided districts with increased revenue  
for the protection of the school environment. Most  
witnesses agree that security measures are short range  
approaches in reducing violence in schools. However,  
all witnesses agreed that safety measures were needed.

Opposition to the request for school personnel for  
more control of who is on campus came from the American  
Civil Liberties Union which believes that such laws en-  
danger people's constitutional rights.

More stringent loitering laws have been supported by  
teachers. A teacher remarked that the school ground was  
a place for learning, but because of some outside influence,  
this was not always the case. A stronger method of dealing  
with loiterers so that they would not detract from the learning  
taking place was recommended.

Teaching youth about law and law enforcement was felt to  
be effective in dealing with hostility on the part of youth  
for law enforcement officers. Dialogue between students and  
police officers was said to result in greater understanding  
on both sides.

Although short range in scope, the establishment of a  
school emergency plan in each school may eventually diminish  
the growth of violence on school campuses.

## CHAPTER V CONCLUSIONS

Causes of violence are complex, multi-faceted, and encompass the problems of the larger society; our society.

The causes of violence are interdependent networks stretching into the areas of juvenile law, education, and even into our basic methods of organizing and thinking.

The causes have doubled the number of young people committing violent crimes against persons. Acts of robbery, assault, forcible rape, and murder are multiplying.

These increases led to the creation of the California Assembly Select Committee on Juvenile Violence in February 1974. The Select Committee sought facts and held hearings where selected individuals from various segments of the community talked about Juvenile Violence: what it is, why it is, how it stops.

Individuals said a fragmented, disorganized ineffective juvenile justice system promotes juvenile violence. They said housing non-criminal youth with juveniles who have committed violent acts is contagious.

They stated that young people feel impotent socially, psychologically, and spiritually because they are isolated and not allowed to verify their capabilities.

Witnesses suggested giving the community the responsibility and necessary resources to care for and educate their young people. They recommend coordinated community-based services, where the deliverers of service are accountable to the people they serve.

Short range emergency security measures were suggested, along with long range preventive approaches. Providing counseling, individual attention, and relevant educational experiences was said to be a way of reducing hostility, anger, and frustration in delinquents.

It was recommended that the Legislature take the lead in developing policies and strategies in the fields of juvenile law, education, and youth services to strengthen community involvement. The resultant proposals in this report hopefully will initiate a rebirth of citizen involvement in issues affecting them and their brothers.

Legacy of Mary McLeod Bethune

"I leave you love; I leave you hope;  
I leave you the challenge of  
developing confidence in one another;  
I leave you a thirst for education:  
I leave you a respect for the use of  
power; I leave you faith; I leave you  
racial dignity; I leave you a desire  
to live harmoniously with your fellow  
men..."

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