

THE CONTROL AND PREVENTION OF JUVENILE DELINQUENCY
BY LOCAL LAW ENFORCEMENT AGENCIES: - AN ALTERNATIVE METHOD

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This paper is a unified proposal and represents a rethinking and redefinition of the problem of juvenile delinquency. The reason we undertook this difficult project is best summarized in the preamble to Public Law 93-415, 93rd. Congress, S.821. in the "Juvenile Justice and Delinquency Prevention Act of 1974."

Title I - Findings and Declaration of Purpose:

- (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.

"Congress finds further that the high incidence of delinquency in the United States today results in enormous annual costs 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."

HISTORY

The first law defining juvenile delinquency was passed by the Illinois legislature in April 1899¹. The system developed state by state until 1923 when all states, with the exception of Connecticut and Wyoming, had enacted legislation defining a juvenile delinquent and establishing a special court for hearing children's cases; and by the early 1940's, even the two hold-out states had come into compliance with this trend. The reason for this movement originated from the harsh treatment juvenile offenders met with in traditional court systems. Platt² points out that between the years of 1801 and 1836 a total of 53 juveniles had been sentenced to death for breaking and entering; 31 for stealing in a house; 9 for shoplifting; 4 for robbery by force; 4 for horse stealing and 2 for uttering false coins. Fortunately, none of these 103 offenders were ever put to death.

Associated with the development of court systems for juveniles was the trend to look to the court as an answer to juvenile problems and under the doctrine of *parens patriae*, would provide children a father figure to direct their behavior.

Platt ibid. points out that the following important philosophical assumptions made as the courts developed throughout the last century: (1) the concept of the criminal as less than a complete human being, whether by nature or nurture, (2) the growth of professionalism in corrections work, and (3) the acceptance of the medical model and the

"rehabilitative ideal," particularly with regard to the correction of "delinquent" children and adolescents.

With the advent of new research in delinquency these assumptions have been severely criticized. Schur³ for example, points out that courts not only do not carry out their stated "treatment" objectives but actually harm the children processed through the system. A recent trend has therefore surfaced in favor of "diverting" potential court candidates to other places.

In Multnomah County, the police have demonstrated a tendency to make increasing referrals to the court and putting the court in the position of a juvenile clearinghouse. This, obviously, has led to more juvenile detentions and less police diversionary practices such as stationhouse adjustment, informal probation, etc. Where the child is processed through the court locally, there has been a stronger emphasis on due process and Constitutional rights since the U.S. Supreme Court decided in *Re: Gault*, 387 U.S. 1 (1967). This decision articulated the constitutional requirements of due process in the juvenile court. Multnomah County, Oregon among other states, has rapidly expanded programs to "divert" juveniles from the Juvenile Justice System. Research studies have found repeatedly that processing a child through detention and the court had detrimental effects and that the process increases the risk that the child would show more frequent and more serious future delinquency (Schur *ibid.*). Two theories, which are discussed in detail later, were formulated to explain this effect.

Some progressive police agencies are now experimenting with diversion in some form in order to keep their relationship with the

juvenile court appropriate to the limited numbers of children that the court is able to process. In Los Angeles County, for example, an innovative program involving the development of alternative resources by the police has been extremely successful. The program called: "Juvenile Referral and Resource Development Program" has succeeded in screening and diverting well over 2,000 youthful offenders to nearly 100 community-based agencies and organizations.⁴

We face the same constraint locally. In Multnomah County, the court has been forced to limit the number of children they will keep in detention to approximately 40 children. This means that all other referrals to the court must be processed in some other manner. Diversion implies that the children will be referred, where appropriate, to other community resources. Unfortunately, the development of these alternative resources has not kept pace with the numbers of children needing these resources. This situation is further aggravated by the limited number of options that the police officer can make in the field. In Multnomah County the officer can exercise the following options: (1) take the child to JDH, (2) take the child home (3) take the child home and make a paper referral to either JDH or CSD (Children's Services Division), or (4) make a field adjustment without notifying the parents. Investigative units dealing with children are, by in large, concerned mainly with the investigation of juvenile crime and commit most of their resources to this end. Los Angeles County is a notable exception to this general rule!

Traditionally, the MCSO Youth Services Section has been involved in the investigation of crimes committed by individuals under the age of 18. Youth crimes, however, are investigated the same way adult

crimes are and the process of referral remains very similar. Schur ibid. points out that formalization is appropriate according to current delinquency theory but should only apply to serious transgressions of the law. Our proposal, to be stated, will be concerned mainly with those offenses that now make their way into the juvenile court but should, in our opinion, be handled differently.

PROPOSAL

Our proposal is aimed at the interaction of the police with children, the court, private and public youth serving agencies and the community at large.

Relationship of the police officer and children:

We feel that besides the traditional enforcement service that we provide, there is a need for active prevention which requires: (1) police training in delinquency causation, child development and ways to apply this theoretical information, (2) police advocacy for the needs and rights of children, and (3) the development of community resources for children which will provide additional options that the police can use for referral.

Relationship of the police officer and court:

Referral to the court, according to Schur ibid. is a valid process in delinquency prevention and control but should be utilized in major violations of the law. When referral is made, all of the child's constitutional rights should be protected including representation by counsel. The case presented to the court should be assembled as

rigorously as are adult cases.

Relationship of the police officer and the community:

The community has generally abdicated its responsibility to solve its own problems by developing a multitude of outside agencies to deal with community problems. Either by choice or by necessity, community leaders are no longer involved in decision making processes. An integral part of our proposal includes an organized attempt to identify community by means of community organization theory. This involves the collection of demographic data and utilization of informal power sources and information systems. When this is accomplished we will be able to communicate with opinion leaders in order to identify: (1) the nature of community problems with respect to crime and juvenile delinquency, (2) possible solutions to these problems and, (3) the need for and development of community based resources. At this level, we see the interaction of police and schools and police and social agencies as being very important.

NEEDS ASSESSMENT

We have developed a needs assessment that we think is appropriate to this planning process and have identified the following needs which our proposal is designed to meet:

- A. Reduction of cost to the public: The economic impact of delinquent behavior and treatment of that behavior is extremely high in the existing system. We see a need to reduce this cost by initiating a community based prevention model that will avoid the high costs connected with the

current system.

- B. Effective resource development: Coupled with "A" there exists a need to develop other resources within the community where children can be diverted. The development of referral resources that are already existing but not fully utilized will reduce the cost of implementation of a diversion program.
- C. Education (Youth, Family and Community): One of the major needs in developing community-based prevention systems lies in the utilization of available information systems (schools, media, business groups, community meetings etc.). Education is a major need, in the following areas:
1. Youth: The youth population is generally unfamiliar with state and local laws, individual rights and the individual's responsibility to society.
 2. Parents: Parents, in general, have limited access to information concerning 1) interaction with their children, and 2) problems in their community.
 3. Community: The community at large is generally unaware of its power to organize in a meaningful way to solve problems and cause change.
 4. Police: Police officers need knowledge of current delinquency theory and utilization of local community resources.
- D. Parent needs: Most communities are deficient in providing to parents support systems through community resources to assist them in the difficult job of raising children. Paul Bloom of the Metropolitan Youth Commission has pointed out that although communities may have many youth related programs but parent programs are virtually nonexistent.

GOALS

Short Range Goals:

- A. Youth Specialist Development: Through training, we plan to develop a group of Youth Specialists that can communicate this program to field police officers' who will assist in its implementation.
- B. Funding Sources: There are a variety of funding agencies that can be contacted for financial support. Initially, this program will require services such as persons trained in community organization, program evaluation and program design that cannot be obtained through the county. A goal here is to apply for federal funds that will help us actualize this plan. It should be pointed out that we see this plan evolving into a new relationship with the community progressing to the point that sustained funds will not be required. In fact, we hope to demonstrate an overall savings to the county by implementing this plan.
- C. Outside Involvement: We feel that involvement from professionals during the final planning stage is essential. Expertise is necessary for both the development of the theory and evaluation of the program. Professional services related to community process functions will be contracted during the implementation stage after the realization of goal "B".
- D. Integration into the Department: This planning process will require involvement and support from the department

so that diversion can be a functional subsystem within the overall system of MCSO. To be functional a plan must be developed that is harmonious with departmental organization and philosophy.

E. Development of a Liaison with other Agencies Providing a Human Resource Delivery System:

To implement our planning model we need to establish and maintain liaison and communication with private and public agencies that deal with children. This would culminate in an interdisciplinary coalition working to divert children from the present judicial system.

Long Range Goals:

A. The Reduction of Juvenile Delinquency: As a primary long range goal of our program we have set reduction of juvenile delinquency as a priority goal.

1. Objective: A statistically significant decrease of youth crimes in a defined area.

B. The Improvement of Police/Juvenile, Police/Community Relations:

This goal speaks to the development of effective lines of communication and a rational approach to the delivery of community service.

1. Objective: Significant increase in attitude scores of juveniles in "treated" areas.

2. Objective: Significant increase in attitude scores of the community at random (sample).

C. The Reduction of Economic Costs of Delinquency and Control/Treatment Programs within the Community:

We foresee the development of a system that will ultimately

be less costly, in measurable terms, to the community.

1. Objective: A measurable decrease in county costs associated with delinquency and delinquency process agencies.
2. Objective: An increase in the number of community based agencies providing services to youth (private source development).

D. The Development of a Community Approach to Problem Solving:

Our general philosophical tenet is that communities are able to function in decision making processes involving the solution of community problems. We therefore see the possibility of community based problem identification and solution as a viable way to deal with current local juvenile problems.

1. Objective: Significant increases in Police/Community involvement in problem solving and resource development.

E. Education of Family, Youth, Police and Community:

Objective: To develop curricula for various groups that will impart knowledge regarding delinquency, causation, community resources etc.

CONCEPT OF JUVENILE DIVERSION AS A METHOD OF REDUCING DELINQUENT

Behavior:

Our paper points out two basic working assumptions. First, we know that the traditional system has failed dismally in "rehabilitating" offenders, (Schur ibid.) and second, that communities' problem solving structure can be organized to alleviate the failure of our present day delinquent treatment programs.

Haney and Gold⁵, Schur (ibid.) and others have pointed out that there appear to be two main theoretical arguments which explain the

traditional system's failure. The first, Labeling Theory, states that processing children through the system stigmatizes them causing them to retain their delinquent behavior as a result of fulfilling expectations of such behavior (self-fulfilling prophecy). The second, the Theory of Differential Association, states that keeping delinquents together allows for learning experiences and provides group status for their acts. Sutherland's theory is best defined as: "A person becomes delinquent because of an excess of definitions favorable to violation of law over definitions unfavorable to violation of law."

We have come to find that juvenile delinquency is much more widespread than previous studies once suggested. Further, only a small portion of delinquency is ever discovered and processed by the court system. Haney and Gold ibid. have conducted important research in Michigan that brings much insight into the problem of delinquent behavior. They found, for example, that juveniles greatly overrate their chances of getting caught in a criminal act. Of 522 respondents admitting to 2,490 crimes in their study, only 47 adolescents and their 80 offenses made it into police records. Therefore, 97% of the delinquencies were either unsolved or dealt with in some other manner. Fully 95% of those offenses discovered, they found, were the result of a policeman or passerby happening along.

Further, they found (as others have) that apprehension and injection of a child into the juvenile justice system was clearly detrimental in almost all cases.

"Whatever it is that the authorities do once they have caught a youth, it seems to be worse than doing nothing at all, worse even than never apprehending the offender. Getting caught encourages rather than deters further delinquency."

They also brought the Modus operandi premise into question.

"Teenagers simply do not specialize. This was found to be true among those who had committed at least two offenses."

Another interesting discovery was the finding that there exists no strong relationship between social status and delinquent behavior. Delinquent behavior was not found to be endemic in communities that were socioeconomically deprived, and they found an inverse relationship between social status and delinquent behavior.

"Higher status white boys reported somewhat more serious delinquent behavior than did their lower status peers... the former committed more thefts, stole more cars and assaulted more people. Social status had no effect on girls whatsoever."

Most of the delinquent acts reported were committed while the children were in a group; 75% of their criminal acts were group efforts and only 25% were perpetrated alone. Children of white-collar workers more often engaged in delinquent behavior with the same friends than did children of blue-collar families.

Family structure and stability were found to have the following relationship:

"Broken homes did not always produce more delinquent youngsters than intact homes. Boys being raised only by their mothers were among the least delinquent in the Flint (Michigan) and national samples... On the other hand, boys with delinquent friends and poor grades were usually highly delinquent whether their homes were broken or intact. Similarly for girls, having delinquent friends was more important than intactness of the home in predicting delinquency."

Halleck⁶ points out that the relationship of family pathology to the genesis of juvenile and adult crime is perhaps more clear cut than Haney and Gold suggest. He states that, "Maternal deprivation, inconsistencies in rearing patterns and family stress have all been cited by psychiatric observers as crucial factors in delinquency."

It should be pointed out that a "broken home" as defined by a sociologist may still have quality parenting processes intact whereas a "complete home" may have pathological parenting processes operating. This would explain why crime and delinquency seems to emanate from throughout our social classes.

Ferracuti⁷, in an earlier study, showed that problems in school was the first identifiable symptom of future delinquency. Coupled with this, he found that 50% of a random sample of delinquents showed handicaps in intellectual abilities or in personality structure, i.e., inadequate personality, character disorders.

A recent study by Cressy and Dermott⁸ has summarized the concept of diversion. They point out that the definition of diversion is variable at the present time. They define it as any process that prevents injection of children into the traditional juvenile court system.

Diversion implies a strong criticism of present juvenile court systems, and for this reason is highly controversial. Further, others point out that sociopathic delinquents are the most common form encountered by police agencies. According to Coleman⁹ one of the characteristics associated with sociopathy (psychopathy) include a "poor prognosis". Some authors go so far as to say that such delinquents are untreatable because the personality forms during early phases of child development when inadequate parenting takes place. If this is the case, then any system that deals with such personality disorders is destined to failure; and programs designed to reach the child in his formative years become of prime importance in delinquency prevention. Ingraham¹⁰ uses the concept of primary, secondary and tertiary prevention to denote the different stages at which prevention

efforts may be developed. His concept is best described in a medical context. We know that smoking is associated with developing lung cancer. A Primary Prevention effort would be a program to prevent children from developing the habit. A Secondary Prevention effort would be a program to get children already smoking to quit. A Tertiary Prevention effort would involve the diagnosis and possible treatment of lung cancer. Ingraham ibid. points out that most social service systems operate at the tertiary level; that they treat "disease" after it has become full-blown and in some cases, untreatable.

According to Cressy and Dermott ibid. diversion theory is based on the previously defined theories of Differential Association and Labeling. They say that initial or primary deviation happens haphazardly as does apprehension, arrest and labeling as delinquent. Once the child is caught and labeled, he is stigmatized and is then forced out of interaction with the value system of nondelinquents and shunted into association with juveniles similarly labeled. Delinquency after labeling is called secondary deviance and is a direct result of the labeling process. By this theory, then, police and courts cause crime rather than deter it!

PROPOSAL PHILOSOPHY

It is an accepted fact that the modern police role in society demands a great amount of discretionary practice on the part of the police officer.

"It is often overlooked that no public officials in the entire range of modern government are given such wide discretion on matters dealing with the daily lives of

citizens as are the police officers...The policeman on the beat, or in the patrol car, makes more decisions and exercises broader discretion affecting the daily lives of people every day and to a greater extent, in many respects, than a judge will ordinarily exercise in a week." American Bar Assn. Standards. The Urban Police Function 1972.

The Task Force Report on Police - National Advisory Commission on Criminal Justice Standards and Goals points out (1.1 #5) that:

"The nature of their (police) duties regularly expose police to circumstances of deteriorating social, psychological, and economic conditions: under these conditions police frequently observe people in need of help that is provided customarily by some other community agency. Prompt and effective assistance for persons in need does much to create public trust in government. To the extent that the police facilitate the delivery of community services, they develop good will and their tasks are performed more easily and effectively."

Further, in Standard 3.1 (Crime Problem Identification and Resource Development) it is pointed out that:

"Every police agency should ensure that patrolmen and members of the public are brought together to solve crime problems on a local basis. Police agencies with more than 75 personnel should immediately adopt a program to ensure joint participation in crime problem identification."

If we accept that the police role is capable of being exercised as broadly as the ABA and Task Force suggest, then we must develop operational programs that allow attainment of prevention goals. Our concept of prevention is therefore a legitimate police role. This paper addresses viable methods of police involvement in juvenile delinquency prevention.

We are convinced that a total resource involvement at the level we presently function at (investigation of youth crime) is inappropriate. If we are to adequately discharge our community responsibility to prevent juvenile delinquency, we must intervene at earlier stages of the development of delinquent patterns.

It becomes immediately evident that the police cannot be responsible for the administration or operation of additional direct service programs. However, the police can act as a catalyst to achieve solutions to community problems. For example, we might identify an acute recreational need for children in a certain area that shows a high rate of delinquency. We have two alternatives: (1) go into the community and develop the recreational resource and administer it or, (2) bring this problem to the attention of the community leaders. The solution takes place within the community and the police role would be catalytic rather than operational. We realize that this type of interaction with the community requires the development of sophisticated community organization skills but is efficient in the sense that it does not require the administration of on-going programs.

To use Ingraham's prevention model in an operational sense, the program must be separated into an appropriate level. Primary prevention will involve interaction with individuals and groups and will be mainly educational in nature. Here, we see the development of school curricula as important. It will be possible to go into the classroom and talk to groups of children about laws which regulate our society, why laws exist and how they fit into society. Advocating parenting classes (for both students and parents) would also be an example of a primary prevention effort.

In summary, we see Primary Prevention as involving programs that are designed to expose normally functioning children to socially acceptable group activities and interaction with appropriate adult role models. Examples include, organized sports, field trips,

community events, etc.

Secondary prevention will involve programs designed to meet the needs of children that have previously been labeled "pre-delinquent" or "problem children". We see the need to de-stigmatize the child, if possible, and where appropriate make referral to professional services available in the community.

Police frequently contact children that are having difficulties (truancy, runaway, minor criminal offenses) and we see the development of referral resources an important activity and task in this program.

Tertiary prevention is a formal process and we foresee any other "informal approach" as either being a primary or secondary prevention technique. Schur ibid. points out in Radical Non-Intervention: Rethinking the Delinquency Problem that,

"Individualized justice must necessarily give way to a return to the rule of law. This means that while fewer types of youthful behavior will be considered legal offenses, in cases of really serious misconduct such traditional guidelines as specificity, uniformity, and nonretroactivity ought apply. Juvenile statutes should spell out very clearly just what kinds of behavior are legally proscribed, and should set explicit penalties for such violations."

At this level, we see criminal investigation as important and professional effort required to: (1) show guilt beyond a reasonable doubt and (2) insure due process during each phase of the investigation.

In summary, we advocate the carving out of the great mass of children flowing through the system and shunting them into either primary prevention or secondary prevention resources that we will develop. The residual group of hardend serious offenders, will be referred to the court but special emphasis on due process will take

place. We see a need to find the communities' untapped resources and identify those agencies that are willing to work with those children that we now legalistically diagnose as delinquent but are not appropriate for tertiary-level treatment. Although this program or agency utilization (resources) was generally assumed by the courts, we feel that diversion cannot be exercised in a pure form by shunting juveniles from the court where they have already been labeled. To avoid the labeling stigma, the referral to primary or secondary prevention resources must be done by the primary agency (police).

Although not specifically stated, a major effort will involve environmental change as well as individual change. Communities frequently provide few, if any resources for children's recreational needs. We will therefore attempt to identify communities within the area of our jurisdiction using demographic data (census tract information) and community organization skills to enable us to tap into the informal community organization networks. We will also attempt to assign a "crime-rate index" to each community. To evaluate our progress, measurement and evaluation will utilize the community as the measuring unit rather than the individual (recidivism). Our treatment effects then, will be measured at the community level.

We see the goals and strategies listed so far, as being in a state of evolution to a more natural relationship of the police and the community. At first, the Juvenile Specialist will be utilized as catalytic agents within the community to obtain the requisite community support to engage in programs pointed out. As the uniformed police officer develops his own skills and learns the resources within the community and how to utilize those resources, the job of the

Juvenile Specialist will decrease in importance. Ultimately, every field police officer will have the necessary skills to make appropriate decisions concerning the referral of youth to various agencies; to teach in school programs in his district or geographic area and to implement and carry out the goals and objectives of this proposed model.

Can Police Officers Make Sophisticated Discretionary Decisions?

Bridges and Merritt¹¹ studied the variables associated with the decisions police officers make in the field. They found that the decision of the uniformed officer is based on a complex set of variables. They point out that,

"The characteristics of the individual youth, his attitude, his mental health, attitude of his parents, his previous record, had as much if not more influence on the deputy's dispositional decision as did the offense committed."

They also found, however, that,

"Selective discretion with respect to dispositions was widely used; that there was little consensus among deputies as to which disposition should be applied to a particular case; and that the personal and occupational characteristics of the deputies had no significant impact on their decision making with respect to the cases presented."

We see this overall plan as being well fitted for the geographic team police concept. Officers working in teams can learn the resources existing in their geographic area of responsibility and bring this knowledge into a relationship with the needs of the community members they meet who need some sort of outside assistance, this particularly important when referring juveniles to different community resources.

APPENDIX

The cost of the traditional system in Multnomah County reveals the high cost associated with a child "flowing" through the system. In FY 1974, for example, the juvenile court handled a total of 9613 cases involving approximately 5400 individuals. The total budget of that system was \$2,032,127 for FY 73-74. A very gross measure of the system cost is calculated by dividing the number of clients served by the agency cost. The figure computes to: \$565/child. Looking at the costs more closely, we see that of the total cases, about 24% (N=2300) result in a court hearing and approximately 76% (N=7310) are handled informally. It can be determined from the chart that the costs average out at that point, to be \$252.00 for the formal route and \$25.00 for the informal route. In other words, this represents the investment of county funds at that particular point in the system. As can be derived from the chart (See Table I) the court handled a total of 7390 delinquency cases of which 18.9% (N=1400) were handled formally and 81.1% (N=5990) were handled informally. The children flowing through the system can be traced to four ultimate court dispositions and the final cost of each route are as follows:

<u>DISPOSITION</u>	<u>AVERAGE COST/CASE</u>	<u>% OF DELINQUENCY</u>
1. Reprimand (N=60)	\$275	8.7%
2. Warned & closed (N=2360)	43	34.3%
3. Formal probation (N=570)	2000	8.3%
4. Informal probation (N=1250)	475	18.2%
5. Other formal dispo. (N=240)	275	3.5%
6. Other informal (N=2030)	50	29.5%
7. C.S.D. care (N=370)	275	3.0%

OREGON JUVENILE COURT PROCESS

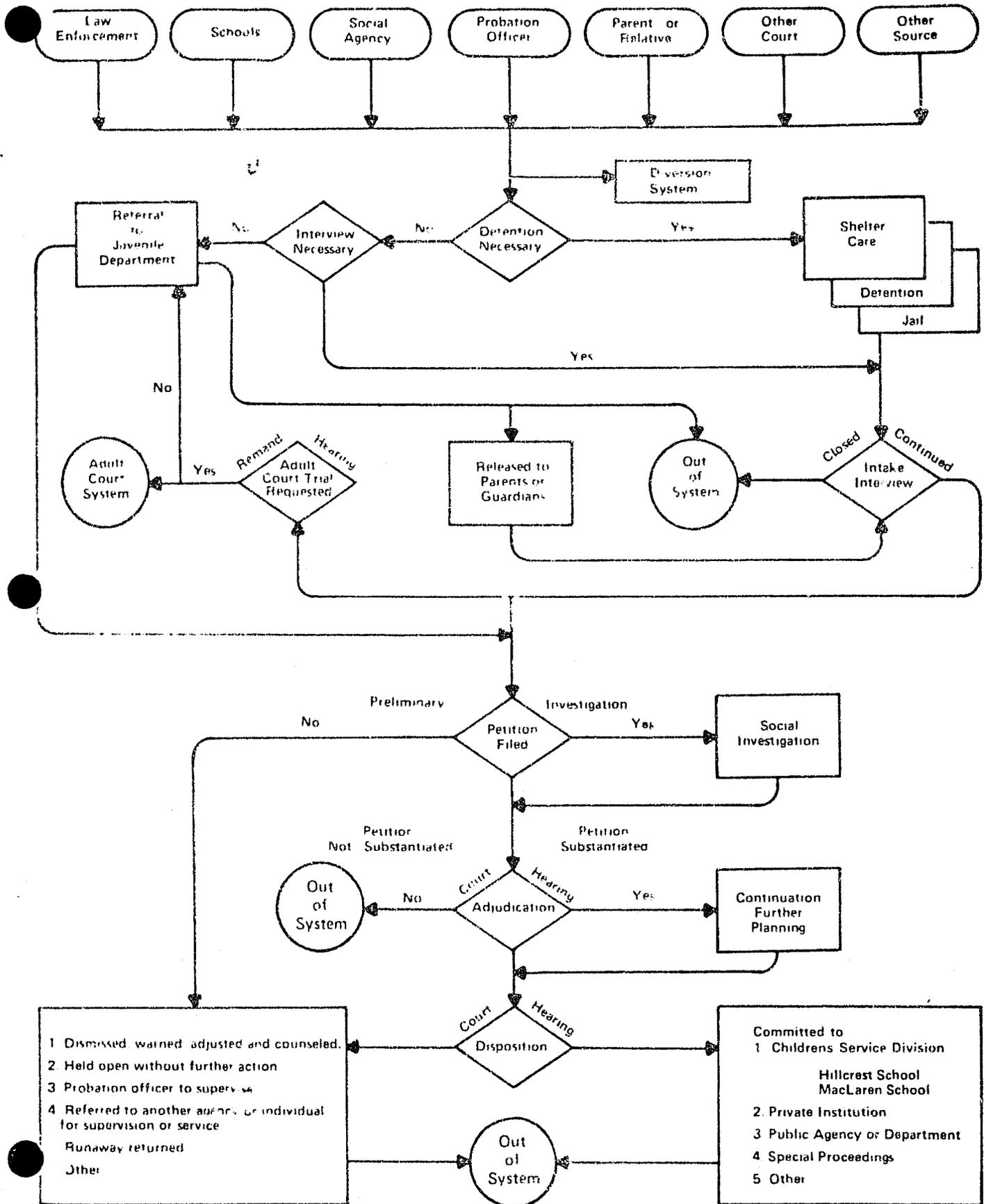
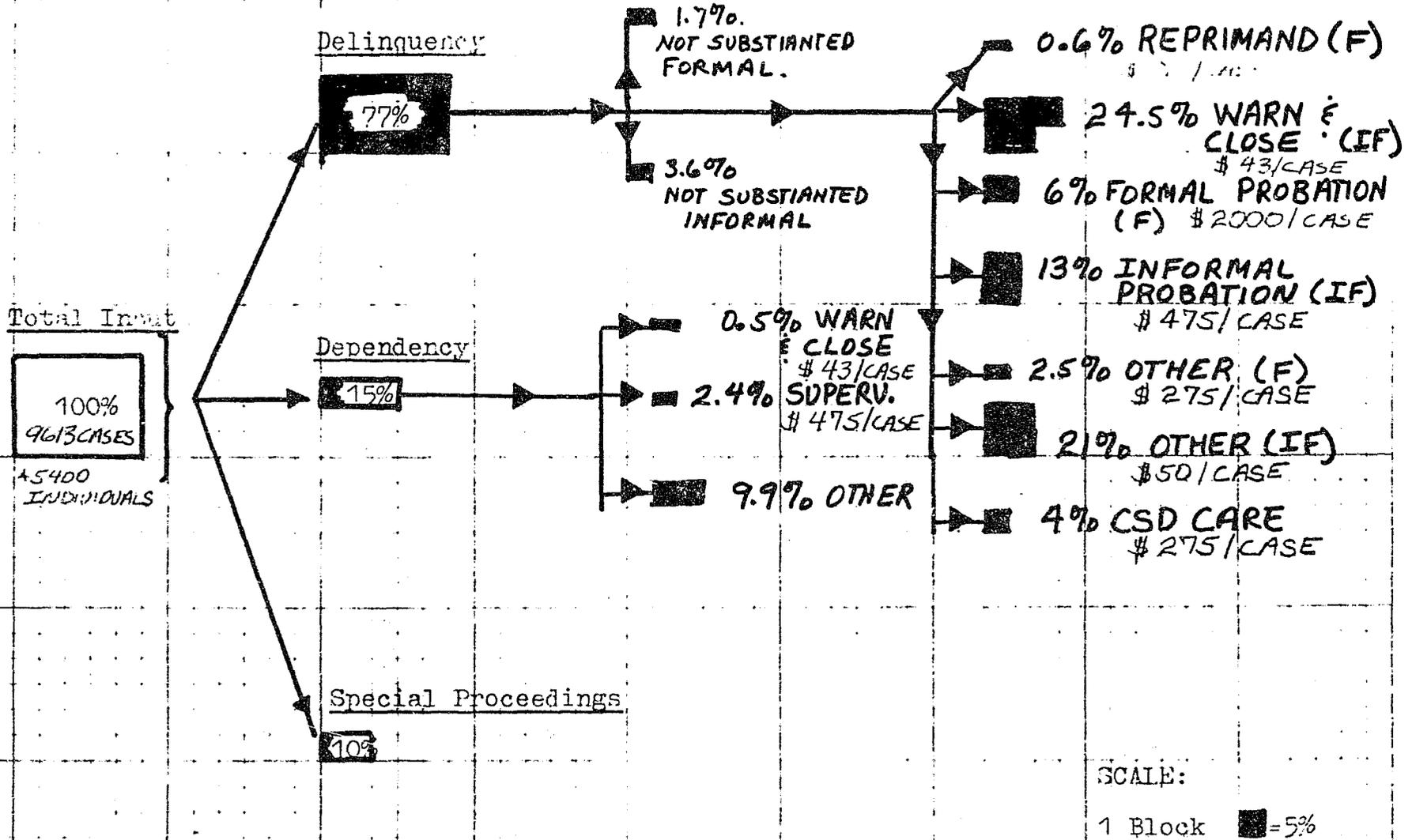


TABLE #1. MULTNOMAH COUNTY JUVENILE COURT

Juvenile Flow Model

Showing amt. of flow through various components and costs involved with flow.



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