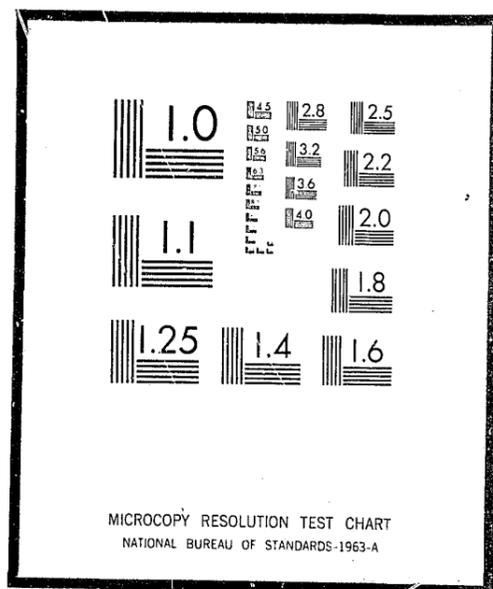


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DEPARTMENT OF HEALTH AND MENTAL HYGIENE
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Nell Solomon, M.D., Ph.D., Secretary

June 19, 1975

COMMUNITY ARBITRATION
PROVES SUCCESSFUL

Robert C. Hilson
Director, Juvenile Services Administration
383-3773

A fifteen year old youth hangs around a street corner - bored, truant, and just waiting for trouble to come along. And - predictably - it does, in the form of a window begging to be broken, a car asking to be vandalized, a jacket in a store waiting to be lifted.

State or local police arrive. They lecture the youngster. They call his parents. And then they issue an Anne Arundel County Juvenile Citation, notifying the youth and his parents to appear seven days later before the Juvenile Community Arbitrator at the Department of Juvenile Services.

Thus begins the Community Arbitration process in the Anne Arundel County office of the Maryland Department of Juvenile Services. A pilot program has been operational since November, 1973. A Federal (LEAA) grant from the Maryland Governor's Commission on Law Enforcement and the Administration of Justice provided the funds for the program, which went into effect on June 6, 1974, the official beginning of the project.

Within its first two months, the program reduced the time for processing of certain misdemeanors from six weeks to five days. In its

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first ten months of operation, 1,924 youths, having committed such offenses as disorderly conduct, assault, destruction of property, possession of marijuana or alcohol, shoplifting, larceny, breaking and entering, unauthorized use, and trespassing, have gone through the process.

Community Arbitration is the brainchild of David Larom, Juvenile Services Supervisor in Anne Arundel County. Mr. Larom characterizes Community Arbitration as a process of "remedial treatment and community redress - a balance between rehabilitation and law and order."

Impetus for the program came from statistics which showed that, especially in misdemeanors, up to six weeks could elapse between the police referring a case to the Department of Juvenile Services, and the Anne Arundel County office calling the youth and his family in for an intake hearing.

"Because of the heavy caseloads, and the influx of serious delinquency cases, the misdemeanors had a pretty low priority," Mr. Larom acknowledged. "This was bad for the youngsters. They were getting away with blatant crimes, and really getting into telling society where to go. It's healthier for the youth and better for the community to bring the youngster in immediately after the offense is committed. Adolescents seek limits, and have a right to expect social sanctions," he noted.

The juvenile citation issued by police must be signed by the alleged offender and his parents. It carries the acknowledgement that the youth has been advised of his right to have counsel at the Arbitration hearing, as well as the warning that failure to appear may result in the filing of a formal juvenile petition, requiring the youth to appear in Juvenile Court. The victim/complainant also receives a copy of the ticket, enabling him to become involved in the process.

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During its first year, "no shows" in this program were kept to a low 4%, compared to 10% in the regular intake process.

Community Arbitration is conducted within the regular intake process. According to the Honorable Matthew S. Evans, Administrative Judge of Maryland's Fifth Judicial District (in which Anne Arundel County falls), Maryland's Juvenile Code provides the flexibility for community arbitration within the 1969 law that mandated Juvenile Services to conduct intake screening hearings and to informally adjust certain delinquency cases.

The main differences between Community Arbitration and the regular intake process are length of time until the case is reviewed, the focus of that review, community involvement, and the setting.

In this program, cases are screened in a court-like atmosphere. Mr. Larom feels the courtroom setting and the quick hearing are the anxiety-provoking elements that are the keys to remedial treatment and teaching these youths community responsibility. In addition, it involves the parents and victims in an understandable setting for settling interpersonal disputes.

Community Arbitrator Fred Franke, a lawyer who essentially functions as an intake consultant, feels the court-like setting is vital to impress upon the youngsters the legality of the proceedings.

As with all intake decisions, Mr. Franke must weigh the family problems, the child's amenability to treatment, and the availability of resources before deciding on one of the four dispositional options: (1) dismiss the case for insufficient evidence, (2) close the case with a warning, *(3) place the youth on 90 day voluntary informal supervision, or (4) refer the case to the States Attorney for processing prior to a

* Prior to July 1, 1975, Maryland law required a 45-day supervision period for informally adjudicated cases.

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Franke discusses with the youth the laws of Maryland as they relate to the juvenile offender. He focuses on why laws exist, the consequences of lawlessness, and the need for appropriate redress when society is offended.

To date, 431 youngsters have completed informal supervision, the concept of which has been expanded under Community Arbitration to emphasize a youth's positive re-involvement with the community.

The youths may select their restitution/rehabilitation assignments. Many choose to work with community improvement groups. They are encouraged to find their own volunteer work sponsor and decide how to spend their time. They may also choose to work with one of several groups who are "on call" with the Community Arbitration program. These include the YWCA, Jaycees, Mental Health Association, Community Action Agency, and local day care and convalescent centers.

Youths are also placed on informal supervision for such assignments as payment of restitution, counselling, or for an offense-related re-education program created specifically for the Community Arbitration project. The Anne Arundel County Police, for example, run a minibike safety program, local drug rehabilitation programs hold seminars in drug education, and the Motor Vehicle Administration admits Arbitration youths to driver rehabilitation programs.

The four-member Community Arbitration staff develops and maintains the network of community resources and monitor the participation of the youths through their period of informal supervision.

Victims are the complainants in about half of the cases that are eligible for Community Arbitration. Nearly half of these appear at the arbitration/intake hearing, as compared to about 10% in the regular process.

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This program has made significant advances in involving the community in the previously mysterious aspects of juvenile justice. The process exposes some aspects of juvenile law - such as the youth's right to due process, use of "delinquent" and "not delinquent" findings instead of "guilty" and "innocent," etc. - to many who were unaware of the differences between the laws affecting juveniles and adults. It also allows the police and the victims to see that something positive is being done to correct the youth.

Community Arbitration also allows the youth to become involved in a positive experience, to assume responsibility, to develop good working relationships and contacts with community groups and agencies, and to internalize the community's values in terms of acting out behavior.

Anne Arundel County States Attorney Warren Duckett has supported the program from its inception, and he has provided the vital technical and legal guidance that is basic to the success of this program. His office has supported Mr. Franke's decisions during the program's first year of operation. Also noteworthy is that only .5% of Mr. Franke's decisions were appealed to Mr. Duckett's office during the past year, although each complainant is fully notified of his right to such an appeal.

While the program is still young, early indicators of the program's effectiveness, in terms of re-referral or recidivism, are heartening: less than 8% of the youngsters returned to the system during the year.

In October, 1974, the project directors, with the assistance of a local community college student, conducted an opinion survey of persons who were directly involved with or affected by the Community Arbitration program. These included youths, parents, police, complainants, lawyers, and volunteers who had been involved with the project.

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Results show that the community is responding well to the increased understanding of the juvenile justice system, and that the program is seen by many as a rapid and direct remedial response to the delinquency problem. The program also appears to have had an immediate effect on the youths involved, especially the first offender. Their reactions are usually immediate acceptance of responsibility for their actions, and recognition of the seriousness of breaking the law. Arbitration also seems to reinforce parental teaching of right and wrong. Youths see the process as fair, and, in most cases, respond positively to the increased anxiety resulting from the speed and setting of the arbitration/intake hearing.

According to Juvenile Services Director Robert C. Hilson, a similar program is being designed for the Baltimore City office of the Department of Juvenile Services, and Juvenile Services offices in the eastern and western regions of the state are also looking into adapting the Community Arbitration program to their needs.

For additional information on the current program, contact David Larom, ACSW, County Supervisor, Department of Juvenile Services, P. O. Box 1927, Annapolis, Maryland, 21404; telephone (301) 224-1364.

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