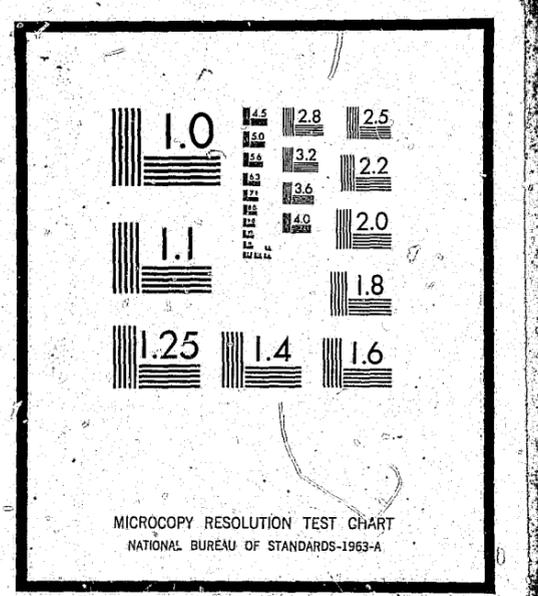


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FINAL REPORT:
THE IMPACT OF THE JUVENILE JUSTICE AND
DELINQUENCY PREVENTION ACT IN NEBRASKA

The Creighton Institute for Business,
Law, and Social Research
Technical Report L-001
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FINAL REPORT:
THE IMPACT OF THE JUVENILE JUSTICE AND
DELINQUENCY PREVENTION ACT IN NEBRASKA

SUBMITTED BY:
CREIGHTON INSTITUTE FOR BUSINESS, LAW AND SOCIAL RESEARCH
UNDER CONTRACT WITH THE
NEBRASKA COMMISSION ON LAW ENFORCEMENT AND CRIMINAL JUSTICE

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CHAPTER I
SUMMARY OF FINDINGS AND RECOMMENDATIONS

CHAPTER I
SUMMARY OF FINDINGS AND RECOMMENDATIONS

Introduction

The purpose of this report is to indicate the results of research conducted by the Creighton Institute for Business, Law and Social Research under contract with the Nebraska Commission on Law Enforcement and Criminal Justice. The research was conducted between October 17, 1975 and November 24, 1975. The purpose of the research was to determine the impact that participation in the federal Juvenile Justice and Delinquency Prevention Act¹ would have upon the State of Nebraska. In particular, we were to discuss the impact of Sections 223(a)(12) and 223(a)(13) relating to detention of "status offenders" and segregation of adult and juvenile offenders.

This report is separated into six chapters and three appendices. This chapter summarizes our research findings and the recommendations we make based on those findings. Subsequent chapters explore in more detail our methodology, the analysis of our data, literature and an analysis of Nebraska law, a more extensive exposition of our findings and recommendations, and suggested implementation plans. The appendices include the actual instruments used, extensive displays of data results which are summarized or referred to throughout the main body of the report, and the backgrounds of the Institute and professional staff who conducted this study. The latter is included to help the reader understand the perspectives taken in this report.

Analysis of Requirements of Federal Act

The following section summarizes the twenty-one elements of compliance established by the Juvenile Justice and Delinquency Prevention Act, Part B - Federal Assistance for State and Local Programs. These twenty-one elements dealing with the establishment of state plans clearly specify the parameters of compliance through which the state is authorized to receive funds provided by the Act. We have, in this study, examined those mandates of the Act and the relevant points of impact by these on the present system in the state of Nebraska. As will be amplified in both the Analysis and Recommendations sections of this report, our findings have had only to consider, in any substantive detail, two elements of compliance (elements 12 and 13). Many of the established elements are of a nature such that the state through its own efforts has already established compliance. Others, while some impact will occur, are not problematic. The following, consecutively provided, presents the twenty-one elements in summary form:

- (1) Designate a state planning agency for purposes of preparation and administration of the state plan.
- (2) Provide authority to the State Planning Agency to implement the state plan.
- (3) Provide for an Advisory Group to the State Planning Agency by the Governor. That the Advisory Group contain not less than 21 nor more than 33 qualified persons and that representatives be apportioned inclusively by the various levels of government, private organizations, and age groups.
- (4) That the state plan, through consultation with local governments, address itself to the needs of these levels of government.
- (5) Provide for the percentage breakdown of funds expenditure (66 2/3%) by the state for local programs. Provide a waiver of this mandate if organization of programs is primarily on a statewide basis.
- (6) Provide for designation, by the chief executive officer of the local government, of the responsibility for preparation and administration of the local government's part of the state plan.
- (7) Mandate an equitable distribution of the assistance received.
- (8) Provide that the state set forth a detailed study of its needs in effecting a Juvenile Justice System.
- (9) Provide for active consultation and coordination with private agencies in the development and execution of the state plan.
- (10) Provide that a minimum acceptable percentage of funds (75%) be utilized for advanced techniques in providing Juvenile Justice Services. (See Recommendations.)
- (11) Provide 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 a system of monitoring compliance and for reporting such results to the administration.
- (15) Provide assurance that assistance will be available on an equitable basis to deal with all disadvantaged youth.
- (16) Provide for procedures to be established for protecting the rights of recipients of services and for assuring privacy of records relating to services.
- (17) Provide that fair and equitable arrangements are made to protect the interests of employees affected by assistance under this Act.

- (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 assurance that federal funds made available will be used so as to supplement and increase but not supplant to the extent feasible state, local and other non-federal funds.
- (20) Provide that the State Planning Agency will no 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.
- (21) Contain such other terms and conditions as the Administrator may reasonably prescribe to assure the effectiveness of the programs assisted under this title.

Nebraska Law - Status Offenders and Juvenile Delinquents

In Nebraska Revised Statutes §43-202(3) (Supp. 1975) and §43-202(4) (Supp. 1975) are found the law of the State of Nebraska with regard respectively to delinquent offenses and status offenses. These two Nebraska sections define the juvenile cases referred to in Sections 223(a)(13) and 223(a)(12) of the Juvenile Justice and Delinquency Act of 1974.

Nebraska Revised Statutes §43-202(3) (Supp. 1975) reads as follows:

- (3) (a) Exclusive original jurisdiction as to any child under the age of sixteen years at the time he has violated any law of the state or any city or village ordinance amounting to an offense other than a felony, traffic offense, or parking violation;
- (b) concurrent original jurisdiction with the district court as to any child under the age of eighteen years at the time he has violated any law of the state constituting a felony; and (c) concurrent original jurisdiction with the district court, county court, and the municipal court as to any child sixteen or seventeen years of age at the time he has (i) violated a state law or any city or village ordinance amounting to an offense other than a felony or parking violation, and (ii) as to any child under sixteen years of age at the time he has committed a traffic offense;

Nebraska Revised Statutes §43-202(4) (Supp. 1975) reads as follows:

- (4) Exclusive original jurisdiction as to any child under the age of eighteen years (a) who, by reason of being wayward or habitually disobedient, is uncontrolled by his parent,

guardian, or custodian; (b) who is habitually truant from school or home; or (c) who departs himself so as to injure or endanger seriously the morals or health of himself or others.

Nebraska Law and the JJDPA of 1974

Title V of the 1974 Act does not (nor does any other section of the Act) purport to impose federal requirements for delinquency cases on the states. Title V relates to the processing of juvenile delinquents in Federal District Courts only, but it does appear to be Congress' idea of a model approach to processing delinquency cases. In this connection, Section 5035 relating to detention prior to disposition, Section 5037(b) setting the maximum length of probation or commitment after an adjudication of delinquency, and Section 5039 governing place of commitment after an adjudication of delinquency, are all recommended for consideration for inclusion in the Nebraska statutes.

The Nebraska juvenile statutes appear to contain no obvious constitutional infirmities, and in fact contain some rather progressive procedural safeguards for juveniles. The above recommendations, therefore, are based upon judgments of policy rather than upon constitutional requirements.

Runaways

Title III of the Federal Act appears to suggest that runaways will be handled outside of the law enforcement process. It would be necessary to eliminate the status offender from juvenile court jurisdiction and modify the harboring of a minor and contributing to delinquency laws (Sections 28-419 and 28-477) to allow private programs for runaways to operate. Use of community-based programs and use of the neglect or dependency jurisdiction of the court where non-judicial resolution is not possible should allay any fears of possible harmful consequences of removing runaways from the court's jurisdiction as status offenders.

Summary of Findings and Recommendations

The findings from the literature strongly support the elimination of jurisdiction by the courts over status offenses. The authors of this report agree with that opinion; however, judges who handle juvenile cases in Nebraska moderately disagree with this opinion. If the statutes on status offenses are not repealed, then the literature suggests that, at the very least, they should be revised and made more definite.

Most of the counties detaining significant numbers of status offenders in secure detention express a desire to switch to non-secure sheltered facilities if such facilities become available. There was reported a need for the placement of approximately 780 status offenders

in non-secure sheltered facilities. Sixty-three percent of this expressed need was in four counties.

The findings from the literature indicate that the programs for handling delinquents should place greater stress on the use of sheltered non-secure detention facilities, the use of a detailed diversion program, the use of separate secure detention facilities when secure detention is absolutely needed, and the use of probation programs. The authors of this report support and recommend these programs for serious consideration.

Only nine counties reported placing more than nine delinquents in non-separate secure facilities. Every county that reported construction of new secure facilities indicated there would be provisions in the new facilities for the entirely separate housing of juveniles.

Additional sheltered and secure facilities were recommended and deemed necessary for meeting the requirements of the Federal Act. These facilities are, for the most part, to be regional. Exact placement of the regional facilities must have additional input from the local sources.

FOOTNOTES

1. 42 U.S.C.A. §§ 5601-5751 (Supp. 1975).

CHAPTER II
METHODOLOGY

CHAPTER II

METHODOLOGY

Initially, a letter of introduction was sent to each county judge. Each letter was typed individually using an automatic typing system. The letters were on the letterhead of the Nebraska Commission on Law Enforcement and Criminal Justice. The letters were under the signature of Geoffrey W. Peters, Institute Director. The initial letter was sent to county judges because associate county judges are the main reporters of juvenile data for the Commission. In Douglas and Lancaster Counties, letters were sent to the Separate Juvenile Court Judges. Enclosed with the letter was a questionnaire. Copies of the letter and questionnaire are in Appendix A.

The letter and the questionnaire both instructed the recipient not to return the questionnaire by mail but to wait for a telephone call from a member of the Institute staff. During the phone conversation, a staff member recorded the response of each county judge, associate county judge, or other appropriate individual. At the end of the interview the responses were read back to the responding individual as a check on accuracy. The individuals collecting the data used a modified form of the questionnaire on which to record the responses. This version of the questionnaire provided for keypunching and data processing and instructed the data collectors to ask further probing questions after certain responses. For example, the data collector was instructed to inquire about what specific construction might be necessary to remodel facilities in order to effect the separation of juveniles and adults. A copy of the modified questionnaire is also included in Appendix A.

Telephone calls were used for the data collection rather than mailed questionnaires so that the Institute would have adequate control over the data collection process and so that deadlines could be met. Initial phone calls were made to the county judge. If an inadequate or incomplete response was received from the county judge, then, in order, the following individuals were called: (1) associate county judge, (2) county court clerk, (3) district court clerk, (4) county attorney, and (5) sheriff. Contact was made in every county and at least a minimal response was obtained. In one county, despite accuracy checks and opportunities to correct what appears to be an erroneous report, figures given data collectors were persisted in by the respondent and are reported upon in Chapter III. The Separate Juvenile Courts of Douglas and Lancaster Counties were personally visited by a member of the project staff. The reported existence of the separate secure facilities and sheltered non-secure facilities was validated by calling law enforcement officials in the counties where such facilities were reported by the original respondent.

Statistical procedures were used to analyze the data. Frequency counts, means, and standard deviations were the basic statistics used. Statistical routines were made available from the software package of the Statistical Package for the Social Sciences. To reduce turn-around time analysis was performed "on-line" on a CDC-6400 computer. The data were placed in tables to indicate responses by counties and county court judicial district. Smaller tables have been abstracted for the counties which account for the greatest number of offenses or which have noteworthy facilities with regard to the requirements of the Juvenile Justice and Delinquency Prevention Act of 1974.

The laws of the State of Nebraska were analyzed with regard to the handling of juvenile offenders and the offenses which can be committed by juveniles in Nebraska. This analysis, along with a review of current literature on the problems and methods of handling juvenile offenders, form an important additional dimension to the study methodology.

The suggestions for implementation plans found in Chapter 6 were arrived at after a detailed consideration of the findings and recommendations in Chapter 5. The recommendations in Chapter 5 are based on the data, the literature, the analysis of the Juvenile Justice and Delinquency Prevention Act of 1974, and the expertise and experience of the Institute staff.

CHAPTER III
DATA AND ANALYSIS OF DATA

CHAPTER III
DATA AND ANALYSIS OF DATA

Every county in the state of Nebraska was contacted to secure data on the current methods of detention of juveniles petitioned upon or adjudicated as children described in Nebraska Revised Statutes §43-202(4) and alleged or adjudicated delinquent detained or confined under Nebraska Revised Statutes §43-202(3).

Delinquents Held In Non-Separate Facilities

Tables 1 and 2 reflect data on alleged or adjudicated delinquents as described in Nebraska Revised Statutes §43-202(3).

Table 1 is a state summary of the reported frequency of delinquents held in non-separate facilities during 1974. Table 2 is a state summary of the estimate of the frequency of delinquents that have been or will be held in non-separate facilities during 1975. It should be noted that in both Tables 1 and 2 there is one county which reported an extremely large number of delinquents held in non-separate facilities. As a result of that one extreme figure neither the calculated mean nor standard deviation (S.D.) are useful statistics.

Specifically, Lincoln County reported that for 1974 it held 360 delinquents (falling within the scope of Nebraska Revised Statutes §43-202(3)) in non-separate facilities. Yet in a separate report to the Nebraska Commission on Law Enforcement and Criminal Justice, Lincoln County reported only 39 such cases for the same year. This disparity suggests a misreporting of data and that the single extreme figure for Lincoln County in each of Tables 1 and 2 should be ignored.

Table 1 shows that in 1974, 77.4% of the counties in Nebraska held no delinquents in non-separate facilities and that the mean number of non-separate delinquents in counties reporting one or more (excluding Lincoln County) was 7.5 per county. The details of these Tables on a county-by-county basis, and on a County Court Judicial District basis, are located in Appendix B, Tables I and II respectively. In Table 3 the extreme figures taken from Tables 1 and 2 are extracted and account for 86% and 87% respectively of the total number of delinquents not separately detained (excluding Lincoln County). Excluding Lincoln County, only Hall, Howard, Keith, Lancaster, Platte, Washington and Webster Counties show any problem providing separate facilities for the housing of delinquents. It is estimated, however, that Brown, Dawes, and Franklin Counties will have a problem in 1975. The data for Table 3 were taken from Tables I and II in Appendix B. Lancaster County's problem in this regard will soon be solved by the opening of its new separate secure facility.

TABLE 1: REPORTED FREQUENCY OF DELINQUENTS HELD IN NON-SEPARATE FACILITIES - 1974

STATE SUMMARY

<u>Number of Delinquents</u>	<u>Frequency Reported</u>	<u>Percent of Reports</u>
0	72	77.4
1	3	3.2
2	4	4.3
3	1	1.1
4	2	2.2
9	2	2.2
10	1	1.1
12	1	1.1
20	2	2.2
25	1	1.1
360	1	1.1
No Response	3	3.2
<hr/>		
487	93	100.2

Mean 5.41
 Median .12
 S.D. 38.1
 Range 360

TABLE 2: REPORTED FREQUENCY OF DELINQUENTS
HELD IN NON-SEPARATE FACILITIES - 1975 (ESTIMATED)

STATE SUMMARY

<u>Number of Delinquents</u>	<u>Frequency Reported</u>	<u>Percent of Reports</u>
0	70	75.3
1	2	2.2
2	5	5.4
3	1	1.1
4	1	1.1
5	2	2.2
6	1	1.1
8	1	1.1
10	1	1.1
15	1	1.1
16	1	1.1
20	2	2.2
24	1	1.1
396	1	1.1
No Response	3	3.2
<hr/>		
544	93	100.4

Mean 6.04
Median .14
S.D. 41.8
Range 396

TABLE 3: NON-SEPARATE DETENTION FACILITIES USED FOR DELINQUENTS UNDER NEBRASKA REVISED STATUTES §43-202(3) - SELECTED COUNTIES

County	Number of Delinquents 1974	Percent of State Total	Percent (exclude Lincoln County) of State Total	Number of Delinquents 1975	Percent of State Total	Percent (exclude Lincoln County) of State Total
Brown	4	1	3	15	3	10
Dawes	-	-	-	20	4	14
Franklin	-	-	-	8	1	5
Hall	25	5	20	5	1	3
Howard	20	4	16	5	1	3
Keith	10	2	8	10	2	7
Lancaster	9	2	7	16	3	11
Lincoln	360	74	-	396	73	-
Platte	12	2	9	6	1	4
Washington	20	4	16	24	4	16
Webster	9	2	7	20	4	14
Totals	469	96%	-	525	97%	-
Totals (Exclude Lincoln County)	109%	-	86%	129	-	87%

Delinquents Held in Separate Facilities

Tables 4 and 5 also reflect data on delinquents under Nebraska Revised Statutes §43-202(3). Table 4 is a state summary of the reported frequency of delinquents properly (under the Federal Act) held in separate facilities during 1974. Table 5 is a state summary of the estimate of the frequency of delinquents who will properly be held in separate facilities during 1975.

TABLE 4: REPORTED FREQUENCY OF DELINQUENTS HELD IN SEPARATE FACILITIES - 1974

STATE SUMMARY		
<u>Number of Delinquents</u>	<u>Frequency Reported</u>	<u>Percent of Reports</u>
0	50	53.8
1	5	5.4
2	4	4.3
3	6	6.5
5	2	2.2
6	1	1.1
8	2	3.2
10	3	3.2
12	3	3.2
13	1	1.1
14	2	2.2
25	1	1.1
32	1	1.1
40	1	1.1
50	1	1.1
51	1	1.1
62	1	1.1
100	1	1.1
102	1	1.1
107	1	1.1
214	1	1.1
No Response	4	4.3

Mean 10.71
 Median .40
 S.D. 30.4
 Range 214

TABLE 5: REPORTED FREQUENCY OF DELINQUENTS HELD IN SEPARATE FACILITIES - 1975 (ESTIMATED)

STATE SUMMARY

<u>Number of Delinquents</u>	<u>Frequency Reported</u>	<u>Percent of Reports</u>
0	45	48.4
1	3	3.2
2	7	7.5
3	3	3.2
4	3	3.2
5	2	2.2
6	2	2.2
9	1	1.1
10	4	4.3
12	1	1.1
13	1	1.1
14	1	1.1
15	2	2.2
25	3	3.2
30	1	1.1
34	1	1.1
41	1	1.1
50	1	1.1
60	1	1.1
62	1	1.1
65	1	1.1
120	1	1.1
160	1	1.1
240	1	1.1
No Response	5	5.4
<hr/>		<hr/>
1115	93	100.4

Mean 12.67
 Median .48
 S.D 34.7
 Range 240

Table 4 shows that in 1974, 47.7% of the counties in Nebraska held delinquents in separate facilities and that the mean number of separated delinquents held in those counties reporting one or more delinquents so held was 24.4 per county. Table 6 shows only those counties in which twenty-five or more delinquents were held in separate facilities for 1974 or as estimated for 1975. These thirteen counties account for 83% of delinquents held in separate facilities in 1974.

TABLE 6: SEPARATE DETENTION FACILITIES USED FOR DELINQUENTS UNDER NEBRASKA REVISED STATUTES §43-202(3) - SELECTED COUNTIES

(Estimate)

County	Number of Delinquents 1974	Percent of State Total	Number of Delinquents 1975	Percent of State Total
Adams	51	5	62	6
Clay	2	0	25	2
Dakota	14	1	34	3
Douglas	214	22	24	24
Gage	62	7	41	4
Hall	40	4	50	4
Hamilton	100	10	65	6
Jefferson	32	3	30	3
Lancaster	107	11	160	14
Madison	25	3	25	2
Nemaha	14	1	25	2
Sarpy	50	5	60	5
Scotts Bluff	102	11	120	11
Total	813	83%	721	86%

Table I in Appendix B gives the details, county-by-county, of the delinquents handled in separate facilities. Table II shows the same information by County Court Judicial District. In summary, of the 1440 delinquents reported in 1974, 34% were held in non-separate facilities. 86% of those not detained separately were (excluding Lincoln County) held in eight counties. Of the 1659 estimated delinquents in 1975, 33% would likely be held in non-separate facilities. 87% of those are (excluding Lincoln County) likely to be held in ten counties. It appears that the problem is relatively localized.

Status Offenders Confined in Secure Detention or Correctional Facilities

Tables 7 and 8 reflect data on the reported frequency of status offenders confined in secure detention or correctional facilities. Table 7 is a state summary of the reported frequency during 1974, Table 8 is a state summary of the estimate for 1975.

TABLE 7: REPORTED FREQUENCY OF STATUS OFFENDERS CONFINED IN SECURE DETENTION OR CORRECTIONAL FACILITIES - 1974

STATE SUMMARY		
<u>Number of Delinquents</u>	<u>Frequency Reported</u>	<u>Percent of Reports</u>
0	51	54.8
1	8	8.6
2	5	5.4
3	3	3.2
4	1	1.1
5	3	3.2
6	3	3.2
7	1	1.1
8	3	3.2
10	1	1.1
16	1	1.1
20	2	2.2
36	1	1.1
114	1	1.1
126	1	1.1
152	1	1.1
175	1	1.1
No Response	6	6.5

Mean 8.78
 Median .35
 S.D. 30.3
 Range 175

Table 7 shows that 54.8% of the counties did not confine status offenders in secure detention or correctional facilities during 1974. As may be seen from Table 9, the greatest number of status offenders so confined are found in four counties: Douglas, Lancaster, Lincoln, and Scotts Bluff. It should be mentioned that once again, Lincoln County reported for 1974 that it held 126 status offenders in secure detention or correctional facilities. However, in a report to the Nebraska Commission on Law Enforcement and Criminal Justice, Lincoln County previously had reported only 23 cases falling in the same category for the year 1974. This disparity again suggests a misreporting of data and the single extreme figure for Lincoln County, in Tables 7 and 8 should be ignored.

TABLE 8: REPORTED FREQUENCY OF STATUS OFFENDERS CONFINED IN SECURE DETENTION OR CORRECTIONAL FACILITIES - 1975 (ESTIMATED)

STATE SUMMARY

<u>Number of Status Offenders</u>	<u>Frequency Reported</u>	<u>Percent of Reports</u>
0	48	51.6
1	7	7.5
2	8	8.6
3	1	1.1
4	4	4.3
5	1	1.1
6	3	3.2
10	6	6.5
12	1	1.1
15	1	1.1
16	1	1.1
18	1	1.1
20	2	2.2
25	1	1.1
30	1	1.1
135	1	1.1
138	1	1.1
150	1	1.1
180	1	1.1
No Response	3	3.2

Mean 9.82
 Median .44
 S.D. 31.4
 Range 180

TABLE 9: STATUS OFFENDERS CONFINED IN SECURE DETENTION
CORRECTIONAL FACILITIES - SELECTED COUNTIES

County	Number of Status Offenders 1974	Percent of State Total	Percent (exclude Lincoln County of State Total	Number of Status Offenders 1975	Percent of State Total	Percent (exclude Lincoln County of State Total
Adams	36	5	6	20	2	3
Brown	3	0	0	10	1	1
Buffalo	8	1	1	10	1	1
Burt	1	0	0	10	1	1
Cass				15	2	2
Dakota	6	1	1	16	2	2
Deuel	20	3	3	30	3	4
Dodge	16	2	2	18	2	2
Douglas	114	15	18	135	15	18
Hall	20	3	3	25	3	3
Kearney	10	1	2	12	1	2
Lancaster	175	23	27	150	17	20
Lincoln	126	16		138	16	
Nemaha	5	1	1	20	2	3
Sarpy				10	1	1
Scotts Bluff	152	20	24	180	20	24
Washington	5	1	1	10	1	1
York	6	1	1	10	1	1
Totals	703	93%		819	91%	
Totals (excluding Lincoln Cty.)	577		90%	681		89%

Table 9 shows only those counties with ten or more status offenders confined in secure detention or correctional facilities during 1974 or as estimated for 1975.

Table 9 lists the eighteen counties which account for 93% of the cases in which status offenders are confined in secure detention or correctional facilities. The 1975 estimates indicate that the percentage is expected to decrease slightly to 91% in these counties. Therefore, the bulk of the state problem in confinement of status offenders is confined to very few counties. Excluding Lincoln County, the 1974 data show 90% of the statewide problem in 18 counties with 89% projected for 1975 for an expected 1975 mean (excluding Lincoln County) of 40 confined status offenders per each of these counties.

Table II in Appendix B gives the details, county-by-county, of status offenders confined in secure detention or correctional facilities, and Table IV gives the same information by County Court Judicial District.

Attitudes on Status Offenders and Offenses

The statements on the attitude survey were to be responded to on a five point scale. For calculating means and standard deviations, a response of "strongly agree" (SA) was equated to (1), a response of "agree" (A) was equated to (2), a response of "neutral" was equated to (3), a response of "disagree" (D) was equated to (4), and a response of "strongly disagree" (SD) was equated to (5). Two of the eight statements were phrased in a negative manner to insure an accurate response. In evaluating the responses received, we interpreted a mean between 2.0 and 2.5 as indicating moderate agreement with the statement and a mean of 3.5 to 4.0 as indicating moderate disagreement with the statement. If the mean was less than 2.0 or more than 4.0, strong agreement or disagreement was recognized respectively. Means within the range of 2.5 - 3.5 were interpreted as being insignificant and neutral for this study.

TABLE 10: ATTITUDES OF 39 COUNTY JUDGES AND SEPARATE JUVENILE COURT JUDGES*

1. Status offenders should be placed in secure detention.

SA	A	N	D	SD
(0, 0%)	(5, 12.8%)	(8, 20.5%)	(20, 51.3%)	(6, 15.4%)
Mean		<u>3.69</u>	S.D.	<u>.9</u>

2. Status offenders commit acts which are harmful to society.

SA	A	N	D	SD
(3, 7.7%)	(17, 43.6%)	(5, 12.8%)	(8, 20.5%)	(6, 15.4%)
Mean		<u>2.92</u>	S.D.	<u>1.3</u>

TABLE 10: ATTITUDES OF 39 COUNTY JUDGES AND SEPARATE JUVENILE COURT JUDGES* (Continued)

3. Sheltered facilities will make it too easy on the status offender.

SA	A	N	D	SD
(0, 0%)	(6, 15.4%)	3, 7.7%	(20, 51.3%)	(10, 25.6%)
Mean		<u>3.87</u>	S.D.	<u>1.0</u>

4. Status offenders should not be brought before a court.

SA	A	N	D	SD
(1, 2.6%)	(5, 12.8%)	(7, 17.9%)	(20, 51.3%)	(6, 15.4%)
Mean		<u>3.64</u>	S.D.	<u>1.0</u>

5. Status offenders should be handled by community agencies.

SA	A	N	D	SD
(5, 12.8%)	(13, 33.3%)	(4, 10.3%)	(14, 35.9%)	(3, 7.7%)
Mean		<u>2.92</u>	S.D.	<u>1.2</u>

6. Status offenders should be vigorously ignored by law enforcement and the courts.

SA	A	N	D	SD
(0, 0%)	(1, 2.6%)	(0, 0%)	(22, 56.4%)	(16, 41.0%)
Mean		<u>4.36</u>	S.D.	<u>.6</u>

7. The laws concerning status offenses should be repealed.

SA	A	N	D	SD
(2, 5.1%)	(4, 10.3%)	(5, 12.8%)	(20, 51.3%)	(8, 20.5%)
Mean		<u>3.72</u>	S.D.	<u>1.1</u>

8. Nebraska should not participate in the "Juvenile Justice and Delinquency Prevention Act of 1974".

SA	A	N	D	SD	No Response
(0, 0%)	(4, 10.3%)	(10, 25.6%)	(20, 51.3%)	(4, 10.3%)	(1, 2.6%)
Mean		<u>3.63</u>	S.D.	<u>.9</u>	

The response to question one shows that 66.7% of those responding felt that in most cases status offenders should not be placed in secure detention. Over 20% expressed neutral feelings on the issue and only 12.8% thought that in many cases status offenders should be placed in

secure detention. Slightly over 50% of the respondents felt that the acts committed by status offenders were harmful to society. However, the mean of the responses to question two was 2.92 indicating that there was an overall neutral response in judging whether the acts committed by status offenders were harmful to society.

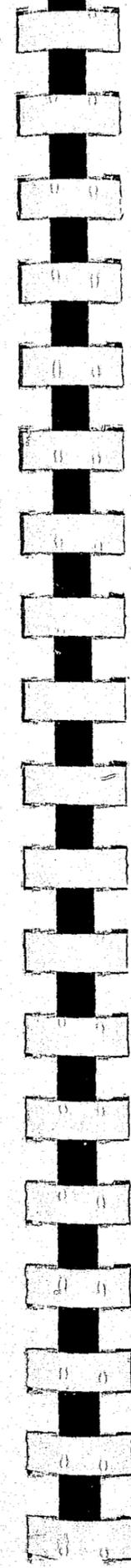
There was moderate to strong agreement that sheltered facilities do not make it too easy on status offenders, since over 76% of the respondents felt that sheltered facilities would not make it too easy. The mean response of question three was 3.87 which falls into the moderate disagreement class. There were no respondents who felt strongly that sheltered facilities would make it too easy on status offenders, but 25.6% strongly disagreed.

In response to the statement "status offenders should not be brought before a court," 66.7% either disagreed or strongly disagreed. The mean of the response was 3.64. This mean shows a moderate level of disagreement. The responses to question five show that there is no consensus that community agencies should handle status offenders. The respondents were about equally divided on each side of neutral.

There was strong disagreement (mean - 4.36) as to whether status offenders should be vigorously ignored by law enforcement and the courts. And in question seven there was moderate disagreement (mean - 3.72) with the statement "the laws concerning status offenders should be repealed." The two responses taken together indicate that as a group county judges and juvenile court judges feel strongly that if the laws concerning status offenses remain on the books then they should not be ignored, and further, there is at least a moderate consensus in favor of retaining the laws concerning status offenses.

There was a polarization of feelings about whether the acts committed by status offenders are harmful to society. There was a moderate consensus that status offenders should not be placed in secure facilities and that sheltered facilities would not make it too easy on status offenders. There was also a moderate consensus that status offenders should be brought before a court. The last question (number eight) was negatively worded "Nebraska should not participate in the 'Juvenile Justice and Delinquency Prevention Act of 1974'". There was a moderate consensus (mean - 3.63) that Nebraska should participate in the Act. None of the judges felt strongly about not participating in the Act, and only 10.3% moderately disagreed with participation.

The attitude of responding associate county judges can be found in Table V located in Appendix B.



Existing Separate Secure Facilities

A complete listing of the data indicating county numbers, county names, type, location, and capacity of facilities used can be found in Appendix B, Table VI.

As Table 11 (below) illustrates, 37 counties report having no separate secure detention facilities for housing juveniles either alleged to be or found to be delinquent. Thirty-six counties indicated they use their own city or county jails, of which 14 house juveniles in the women's sections. Thirteen counties send juveniles to other county jails while 14 counties send juveniles to a regional youth detention center.

It should be noted that those counties indicating a lack of separate secure facilities may be sending juveniles to other county jails. It also should be mentioned that those counties housing juveniles in the women's section of the county jail may be forced to transfer either the adult or juvenile prisoners if a concurrent need for facilities arises.

Data listing facilities employed, alphabetically by county, appear in Appendix B, Table VII. The same data listed by district can be found in Appendix B, Table VIII. Facilities used for secure, separate detention of juveniles are summarized by district below.

Counties not using their own jails to house juveniles send offenders either to a county in the same district or to a nearby county or regional facility. Of the 56 counties represented in the summary by district, 22 do not securely detain juveniles in their own county. Of these 22 counties, 13 employ the facilities of a county in the same district. The remaining counties utilize nearby county or regional facilities.

A slight discrepancy in reported procedures is shown in the data; Burt County sends juveniles to Washington County, while Washington County claims a lack of separate secure facilities.

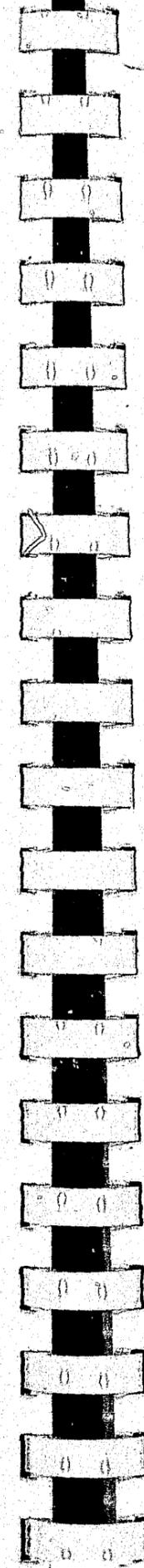
TABLE 11: EXISTING SECURE SEPARATE FACILITIES BY CATEGORY

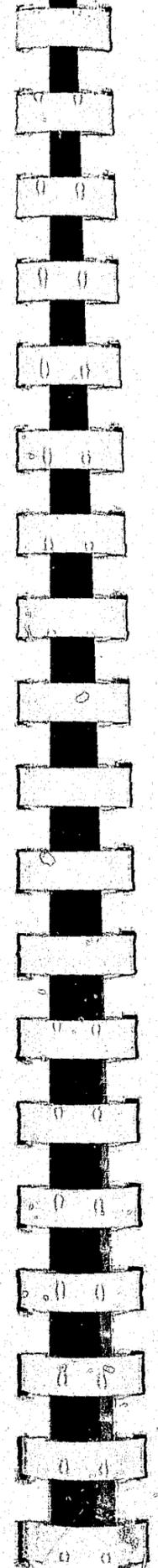
County or City Jail	Women's Facilities in County Jail	Send to Another's Jail	Youth Centers at Kearney and Geneva	Scotts Bluff County Detention Center at Gering	Douglas, Lancaster County Youth Centers	None			
Adams	1	Dixon 3		Adams	Cass	Antelope			
Butler	4	Dodge 2	Blaine	Buffalo	Douglas	Arthur			
Cedar	6	Fillmore	Boone	Dodge	Lancaster	Boyd			
Cheyenne	4	Furnas 2	Box Butte	Madison	Sarpy	Brown			
Clay	6	Holt 3	Burt	Sherman		Chase			
Colfax	3	Morrill 4	Dawes			Cherry			
Custer	19	Rock	Fillmore			Cuming			
Dakota	18		Howard			Dawson			
Deuel	10		Keya Paha			Dundy			
Dodge	2		Loup			Garfield			
Franklin	4		McPherson			Gosper			
Frontier			Nance			Grant			
Gage			Sioux			Greeley			
Garden	2		York			Harlan			
Hall	8					Hayes			
Hamilton	6					Hooker			
Hitchcock	2					Johnson			
Jefferson	2					Kearney			
Lancaster	37					Keith			
Merrick	6					Knox			
Nemaha	4					Lincoln			
Otoe	4					Logan			
Pawnee						Nuckolls			
Perkins	2					Phelps			
Platte	1					Pierce			
Richardson	4					Polk			
Scotts Bluff	10					Red Willow			
Sheridan	2					Saline			
Thurston	2					Saunders			
						Seward			
						Stanton			
						Thayer			
						Thomas			
						Valley			
						Washington			
						Wayne			
						Wheeler			
Total:	30	169	7	14	13	6	4	4	37

*29 housed at Lincoln Detention Home and Jennie B. Harrel Attention Center for Youth

TABLE 12: EXISTING SECURE FACILITIES BY DISTRICT

District Number	Counties	Facilities Used
1	Nemaha, Pawnee, Richardson	Own county jails
2	Cass, Sarpy Otoe	Douglas County Youth Center Own county jail
3	Lancaster	Own city -county jail, detention home, Jennie B. Harrel Attention Center for Youth
4	Douglas	Douglas County Youth Center
5	Butler, Hamilton York	Own county jail Hamilton county jail
6	Burt Dodge, Thurston	Dodge, Thurston and Washington county jails Own county jails
7	Fillmore	Own, Saline and Clay county jails
8	Cedar, Dakota Dixon	Own county jails Women's facilities in own county jail
9	Madison	Kearney or Geneva
10	Adams, Clay, Franklin Adams, Webster	Own county jails Kearney or Geneva
11	Hall Howard	Own county jail Hall county jail
12	Buffalo, Sherman	Kearney or Geneva
13	McPherson	Lincoln county jail
14	Frontier Furnas Hitchcock, Perkins	Own county jail Women's facilities in own county jail Own county jails
15	Holt, Rock Keya Paha	Women's facilities in own county jail Brown county jail
16	Box Butte, Dawes Dawes, Sioux Sheridan	Scotts Bluff Sheridan county jail Own county jail





District Number

Counties

Facilities Used

17	Garden, Scotts Bluff Morrill	Own county jails Women's facilities in own county jail or sent to Gering
18	Gage, Jefferson	Own county jail
19	Banner, Kimball Cheyenne, Deuel	Scotts Bluff Own county jails
20	Blaine, Custer, Loup	Custer county jail
21	Boone, Merrick, Nance Colfax, Platte	Merrick county jail Own county jail

TABLE 13: EXISTING SHELTER FACILITIES BY CATEGORY

*REGIONAL FACILITIES

Foster Homes	Parents	A	B	C	D	E	F
Blaine	Boyd	Adams	Hall	Douglas	Nemaha	Platte	Thurston
Boone	Johnson	Buffalo		Hamilton			
Brown	Morrill	Douglas					
Buffalo		Franklin					
Butler		Stanton					
Cass							
Cheyenne							
Clay							
Custer							
Dawes							
Dawson							
Deuel							
Dodge							
Gage							
Hall							
Harlan							
Holt							
Hooker							
Howard							
Jefferson							
Kearney							
Keith							
Lancaster							
Logan							
Loup							
Merrick							
Morrill							
Nance							
Phelps							
Richardson							
Sarpy							
Scotts							
Seward							
Sheridan							
Sioux							
Thomas							

*Regional Facilities:

- A - Campus House, Kearney
- B - Children's Village, Grand Island
- C - Grace Children's Home, Henderson
- D - Group Home, Auburn
- E - Girls' Group Home, Columbus

TABLE 14: EXISTING SHELTER FACILITIES BY DISTRICT

District Number	Counties in District	Foster Homes	Parents	Regional Facilities						None
				A	B	C	D	E	F	
1	Johnson Nemaha Pawnee Richardson	X	X				X			X
2	Cass Otoe Sawyer	X X								X
3	Lancaster	X								
4	Douglas - See Attached Page									
5	Butler Hamilton Polk Saunders Seward York	X X X				X				X X X
6	Burt Dodge Thurston Washington	X							X	X X
7	Fillmore Nuckolls Saline Thayer									X X X X
8	Cedar Dakota Dixon									X X X
9	Antelope Cuming Knox Madison Pierce Stanton Wayne								X	X X X X X X
10	Adams Clay Franklin Harlan Kearney Phelps Webster	X X X X				X			X	X X X X

<u>District Number</u>	<u>Counties in District</u>	<u>Foster Homes</u>	<u>Parents</u>	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>	<u>F</u>	<u>None</u>
20	Blaine	X								
	Custer	X								
	Garfield									X
	Greeley									X
	Loup Valley	X								X
	Wheeler									X
21	Boone	X								
	Colfax									
	Merrick	X								
	Nance	X								
	Platte							X		
	Totals	36	3	4	1	1	1	1	1	49

*Regional Facilities:

- A - Campus House, Kearney
- B - Children's Village, Grand Island
- C - Grace Children's Home, Henderson
- D - Group Home, Auburn
- E - Girls' Group Home, Columbus
- F - Group Home, Winnebago
- Cedar's Home for Children
- Lancaster Freeway Station

Existing Facilities for the Shelter Care of Status Offenders

Existing shelter facilities used to house status offenders are listed in Appendix B, Table IX. This table includes information reported by the 93 counties concerning type of facility used, its name, description and capacity, and the funding source and cost to county if known. Status offenders as defined in this report are those juveniles who are charged with or who have committed offenses that would not be criminal if committed by an adult. (See Nebraska Revised Statutes §43-202(4).) Shelter facilities are defined as either temporary or emergency care facilities in a physically non-restrictive (non-secure) environment. Table X, Appendix B also lists shelter facilities by county.

Unquestionably, foster homes are the primary shelter facility. Thirty-six counties use foster homes for the shelter care of status offenders.

Note that in three specific counties (and probably others) the problem is considered minor enough to allow juveniles to be sent home for detention. Nine counties reported employing regional facilities for such care.

Existing shelter facilities by district are listed below. Districts 7, 8, and 14 reported a complete lack of shelter care. Forty-nine counties indicated an absence of shelter facilities; nevertheless, it is possible that foster homes may not have been considered.

Table 15, below, summarizes the cost per child, per month, indicated by the 9 counties which supplied cost information.

TABLE 15: COST PER CHILD, PER MONTH TO HOUSE STATUS OFFENDERS IN SHELTER FACILITIES

County Number	County Name	Cost Per Child Per Month
01	Adams	\$350
12	Butler	\$100
24	Dawson	\$105
40	Hall	\$100
41	Hamilton	\$250
55	Lancaster (Group)	\$120
55	Lancaster (Foster)	\$125
74	Richardson	\$450
79	Scotts Bluff	\$145
86	Thomas	\$105

According to Adams County data, it costs \$350 per month to place one child in Campus House Inc., a group home for 10. Comparatively, Hall County reports a cost of \$100 monthly per child for group home care.

Also noteworthy are the costs reported for foster home care -- in Richardson County, \$450, compared to Butler County's figure of \$100.

Remodeling by County

Table 16 illustrates remodeling needs by category for those counties responding to Topic II, Part B of the collection document which asks for a description of the nature of remodeling needed. There was a total of nine respondents representing approximately 10% of the total counties. The responses break down in a manner which clearly indicate that where remodeling is applicable 67% attest that this remodeling would involve the abatement of conversation transference between adult and juvenile sections of a pre-existing facility. In determining relevant cost data for projected remodeling a difficulty arose in what without specific architectural plans there is no sound base from which to assess costs. In order to provide some reliable cost data we have established, again in consultation with local architectural consultants, a cost per lineal foot which would reasonably cover renovation remodeling alternatives. This cost is projected at \$15.00 per lineal foot (length times height). As this would relate to the category transport, it would appear that the appropriate mechanism here would be less in line with acquisition of auxillary capability, but rather would be more appropriately dealt with by a re-scheduling of existing capabilities. The category relating to the addition of a wing to a pre-existing facility is dealt with in the section relating to New, Secure, Separate Facilities. That category relating to recreation, as it applies in this table to Buffalo County, also has been dealt with under the section, New, Secure, Separate Facilities. This statement also applies to Hall County's response to the category indicating "Remodel Planned."

Table 17 (below) delineates the projected structural requirements in each district as a function of demonstrated case load. The total number (44) of counties applicable in this table and apportioned by district represents 47% of the total. The primary categories in the table relate to capacity - the number of secure, separate units projected for the structure and cost, as estimated on the basis of total number of units times the gross square feet necessary per individual times the cost per square foot (\$45.00).

(As indicated in footnote form on the table itself, the square footage requirement, 70 square feet per individual, was arrived at through consultation with the Douglas County Crime Commission. Additionally, in developing the above formula for cost, the number of square feet per individual was multiplied by three, to account for ancillary space needs such as offices, hallways, dining, laundry, etc. Furthermore, the cost per square foot was increased by \$10.00 to account for certain unique structural costs relevant to institutional facilities. These latter data relating to square feet and costs were derived through consultation with local architectural representatives.)

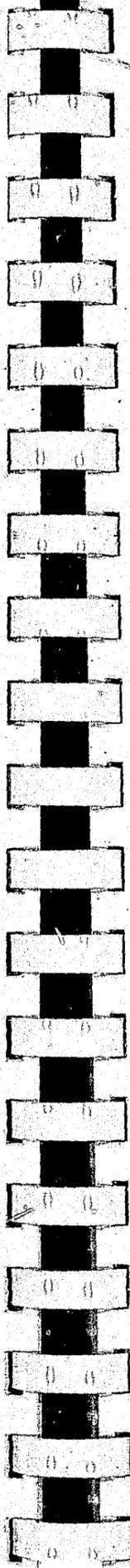
As illustrated in the table, respondent data are characterized in standard typeface. Data estimated by the Institute are italicized and represent information not provided through survey. Similarly, in the cost category, a delineation is made on the same basis. However, in this category we have also included amended cost figures where survey cost data do not correspond to formula costs, as determined by the Institute.

TABLE 16: REMODELING BY COUNTY

<u>Number</u>	<u>Name</u>	<u>Recreate</u>	<u>Hear</u>	<u>See</u>	<u>Transport</u>	<u>Add to Jail</u>	<u>Remodel Planned</u>	<u>NA</u>
01	Adams		X					
07	Box Butte				X			
10	Buffalo	X	X					
12	Butler		X					
14	Cedar		X					
26	Dixon		X	X				
33	Furnas		X					
40	Hall						X	
74	Richardson					X		
	All other counties							X
	Total	1	6	1	1	1	1	84

TABLE 17: NEW, SECURE FACILITIES BY DISTRICT

District Number	Counties in District	Location County -- City	Capacity*	Cost**
1	Richardson	Richardson	4	\$38,000
2	Cass, Sarpy	Sarpy-Papillion	100	\$135,000 \$600,000
5	Seward, York	York	10-12	\$104,000
6	Burt, Thurston, Washington	own counties	6	\$ 57,000
7	Fillmore Thayer	regional Thayer	5	\$ 47,000
9	Antelope, Madison, Stanton Wayne	Madison-Norfolk Wayne	20	\$ 35,000 \$189,000
10	Harlan, Phelps, Webster	own counties	8	\$ 76,000
11	Hall, Howard	Hall-Grand Island	31	\$2,000,000 \$ 293,000
12	Buffalo	regional	24-30	\$255,000
13	Dawson, Lincoln, Logan, Thomas	Buffalo-Kearney or Lincoln-North Platte	12-15	\$180,000 \$123,000
	Arthur, McPherson Grant Keith	regional Box Butte Keith	small 5	\$ 47,000
14	Frontier, Hayes, Red Willow	own counties	4	\$ 38,000
15	Brown, Keya Paha Holt	regional Holt	24-30 4	\$284,000
16	Box Butte, Dawes, Sheridan Sioux	Dawes-Chadron or Box Butte-Alliance	28	\$265,000
18	Gage, Jefferson	Gage	5	\$ 47,000
20	Garfield Greeley	Greeley	2 10	\$100,000 \$ 95,000
	Loup	Custer, Broken Bow		
21	Platte	Platte	5	\$100,000 \$ 47,000



- * - Standard typeface indicates respondent data.
 Italicized typeface indicates Institute derived data.
- ** - Standard typeface indicates respondent data.
 Italicized typeface indicates Institute data.
 Source - square feet per individual (70): Douglas County Crime Commission
 Cost per square foot: architectural consultants.

Needed Non-Secure Shelter Facilities

Table 18 gives a state summary of the responses to the question, "How many more juvenile status offenders would you like to place in non-secure shelter facilities?" Fifty-six counties or 60.2% of all counties in Nebraska, express no desire for any additional shelter facilities for status offenders. In Table 7 it was reported that 51 counties or 54.8% of all counties confined zero juveniles, either who were charged with or who committed offenses that would not be criminal if committed by an adult, to secure detention or correctional facilities. Thus, we may conclude that most counties that confined status offenders to secure detention would like to change this procedure if enough shelter facilities were available.

TABLE 18: NUMBER OF JUVENILE STATUS OFFENDERS DESIRED TO BE PLACED IN NON-SECURE SHELTER FACILITIES
STATE SUMMARY

<u>Number</u>	<u>Frequency</u>	<u>Percent</u>
0	56	60.2
1	2	2.2
3	3	3.2
4	1	1.1
5	2	2.2
6	8	8.6
8	1	1.1
9	1	1.1
10	8	8.6
12	2	2.2
15	4	4.3
16	1	1.1
25	1	1.1
65	1	1.1
150	1	1.1
254	1	1.1
	Mean 8.21	Median .33
	S.D. 31.0	Range 254

However, judging from comments made by judges, some judges were of the opinion that some status offenders would have be placed in secure detention or they would not be available when a hearing was scheduled. The reasoning was that the conflicts which give rise to status offenses are explicit family conflicts and therefore, the home atmosphere is usually hostile. Therefore, the juveniles may not want to go back home and many times the parents do not want the juveniles to return.

In the counties which desire to place only a small number of status offenders in sheltered facilities, it might be best to make use of foster homes where the foster parents have had special training and where the foster parents have regular contact with a social worker.

CHAPTER IV
CURRENT LITERATURE AND ANALYSIS OF APPLICABLE NEBRASKA LAW

CHAPTER IV

CURRENT LITERATURE AND ANALYSIS OF APPLICABLE NEBRASKA LAW

Introduction -- The Juvenile Court: Goals and Failures

This chapter presents a brief overview of the current issues being discussed in relation to status offenders.

Much has been written concerning the extension of state control over the conduct of children. The *parens patriae* concept, the idea that the state is the ultimate parent, originally concerned the state's interest in the protection of the persons and property of orphaned children.¹ This concept became in time the justification of state intervention in the lives of pre-delinquent children.² The behaviors which shocked the nineteenth and early twentieth century "child savers" were many of the kinds of conduct still disapproved of today -- drinking, smoking, roaming the streets, sexual misconduct, fighting, staying out late, and incorrigibility.

Theorists have noted several contributing factors when seeking to explain the rise of the juvenile justice system, primarily: the perception of harsh treatment of children under the adult criminal law, disenchantment with the urban centers, the development of positivistic criminology which shifted the responsibility for criminal acts from the individual to the society, the status revolution of middle class women, and the increased emphasis on middle class American values.³ For whatever reason, the early twentieth century witnessed the development of a juvenile justice system which had as its primary interest the treatment of "non-criminal" deviant children, who today are referred to as status offenders, persons in need of supervision, and occasionally, uniquely juvenile offenders. It was not until much later that juvenile courts included in their jurisdiction children who violated the criminal code, that is, "delinquent" children. As will be discussed below, most advocates of change in the juvenile court system seek to limit the jurisdiction of the court only to those minors who commit acts which are punishable if they were adults and thus thwart the very goals which prompted the creation of the socialized juvenile court.

However noble the goals of the juvenile justice system, the actual results have been criticized for failing to meet expectations.⁴ First of all, juvenile correctional institutions are constantly faced with the problem of overpopulation. There is also a scarcity of qualified and trained staff in the correctional programs. In addition, charges have been made that the resulting stigma which attaches to the youth negates any positive results which might be attained.⁵

The above criticisms of the workings of the juvenile justice system have been assimilated into the charge that intervention itself has failed. There is no positive empirical proof that official intervention

prevents further delinquency and, thus, intervention may have an impact directly contrary to that which is desired.⁶ The *parens patriae* reasons for intervention -- to treat and rehabilitate the youth, to prevent further acts which may be criminal or delinquent -- are worthy goals. The actual operation of the juvenile court system, however, has "given grounds for concern that the child receives the worse of both worlds -- that he gets neither the protections of adults nor the care and regenerative treatment postulated for children."⁷ The ideals of the juvenile court have met only limited success.

When the juvenile justice system is examined in light of its handling of status offenders, its failures become even more evident. A court's assessments are frequently inaccurate. Its dispositions often provide little effective treatment for status-type offenders who may need treatment different in kind from offenders who commit criminal acts according to adult standards. Lastly, the long-term effects (due to stigma, ill-effects of association with delinquents) on a youth and his family are often negative.⁸

Offenses Only for Children -- Definitions

Almost every state extends its juvenile court jurisdiction over youths termed "status offenders."⁹ A status offender is not a juvenile who violates the adult criminal code or municipal ordinances of his community. Rather, he is a minor often not guilty of a particular act but of being in a certain "status." Primarily, these "statuses" include incorrigible, beyond control, truant and runaway. Most states still include status offenders in the broad definition of "delinquent," but some states, in an effort to destigmatize these non-criminal offenders, have created new categories.

An example of a state statute which retains the broad definition of delinquent is Section 17-53 of the Connecticut General Statutes which defines a delinquent child as one who has "(a) . . . violated any federal or state law or municipal or local ordinance, or (b) who has without just cause runaway from his parental home . . . , or (c) who is beyond the control of his parent(s) . . . , or (d) who has engaged in indecent or immoral conduct, or (e) who has habitually been truant . . ."¹⁰

Other states have adopted the use of such terms as "minor in need of supervision,"¹¹ criticized by many as being mere euphemisms for "delinquent." Additional terms currently in use are, "children in need of services,"¹² "child in need of supervision,"¹³ and "person in need of supervision."¹⁴

The kinds of behavior or statuses of these uniquely juvenile categories include, "beyond control,"¹⁵ "behavior . . . such as to endanger his own or others welfare,"¹⁶ "persistently runs away from home,"¹⁷ "minor . . . who is an addict . . .,"¹⁸ "who has engaged in indecent or immoral conduct . . .,"¹⁹ and "while subject to compulsory school attendance is habitually and without justification truant from

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school."²⁰ It is interesting to note Connecticut's use of the words, "who has without just cause run away from his parental home."²¹ This seems to imply that running away may be justifiable in certain circumstances and concurs with the stated causes of runaway behavior to be discussed below.

One highly criticized state statute employs the language, "any person who . . . from any cause is in danger of leading an idle, idiosyncratic, lewd or immoral life . . ."²² Also frequently included in these statutes are curfew violations, smoking, drinking, and other types of conduct that if committed by adults would not be violations of the law.²³

Nebraska defines a child in need of supervision as any child less than 18 years old who is wayward, or habitually disobedient, or uncontrollable, or habitually truant from school or home, or who "deports himself so as to injure or endanger seriously the morals or health of himself or others."²⁴

Constitutional Attacks

A. Vagueness

One of the major criticisms of juvenile statutes dealing with status offenders is that they are void for vagueness. The accusation is that the vague grant of jurisdiction in the statutes is so broad that it may result in a violation of due process, a violation of the child's legal and constitutional rights.²⁵

California's statute gives the court jurisdiction over "immoral" youths. Some writers ask that the language be made more definite by limiting its scope to particular sex offenses or specific acts.²⁶ The language could even be modified to require that the child's behavior has been repeatedly dangerous to himself or others, or to establish a statutory warning. Another writer, however, claims that the answer to these kinds of statutes does not appear to be a more precise definition of status offenses. The alternative is to eliminate status offenses from the court's jurisdiction.²⁷

As part of the vagueness criticism, therefore, the charge of undue discretion can be made. Again the California statute, section 601, serves as an example. The claim is that it allows almost anyone in a position of authority over a minor to become the moral arbitrator of behavior considered to be non-criminal in nature supported by the threat of criminal sanctions.²⁸ The police officer has the greatest discretion to initiate the criminal justice process. The criteria for arresting is often neither consistent nor objective in application.²⁹ The problems of growing up should not, it is said, be permitted to constitute cause for invoking police intervention.³⁰

It has been asserted that the juvenile court judge also has an undue amount of discretion.³¹ In examining an ungovernability statute, the accusation is that "the personal predilections of judges as adult decisionmakers are more likely to be subject to inaccuracies and misconceptions."³²

The vagueness and broadness of the status statutes can be part of a denial of due process since there is no fair warning of what exactly is prohibited.³³ Juvenile statutes should spell out clearly just what kinds of behavior are legally proscribed.³⁴ Since Gault³⁵ endows juveniles with due process rights to hearing, counsel, notice, confrontation, and freedom from self-incrimination, the meaningful application of these rights seems to demand that a juvenile not be made to defend him or herself against a vague statute.³⁶

The claim has also been made that the statutes also enable one to avoid the guarantees expressed in In Re Winship.³⁷ If there is insufficient evidence to prove the commission of a crime beyond a reasonable doubt, the charge can be altered to allege an "immoral conduct of life" or some other broad prohibition. Even if the "proof beyond a reasonable doubt" standard were applied to the non-criminal charge of "leading an immoral life," the substance of the offense is so broadly defined that the procedural safeguard of such a standard of proof may become meaningless.³⁸

B. Due Process and Status Offenders

A recent argument which has been advanced is that Gault and Winship lead to the conclusion that since status offenders face similar treatment by law enforcement agencies and the judicial system, they should have the same rights as juveniles charged with violations of the adult criminal codes.³⁹ The fact that status proceedings are denominated non-criminal does not, it is argued, weaken the due process claims, since the end result often compares to that in a criminal proceeding.

C. Equal Protection and Status Offenders

Another constitutional issue raised in connection with statutes dealing with status offenses is the possibility of equal protection violations in the treatment of female status offenders, particularly in the states which include "immoral behavior" language in these statutes. Girls, due to the still present, "double standard," are often condemned for sexual behavior that in boys is merely referred to as "sowing wild oats." Even when "immorality" is not included in the statute, one author feels that the over-vagueness of status offender statutes acts as a buffer to charges of promiscuity.⁴⁰ There is also some empirical evidence indicating that there are more girls in institutions than the number of offenses warrants and that girls are subjected to placement for longer periods than boys for identical conduct.⁴¹

Advocates of equality for youth suggest another equal protection argument. They question the constitutionality of the courts' power to

exert authority over "uncontrollable" conduct merely because a person is under 16, or 18 years of age.⁴²

D. Eighth Amendment and Status Offenders

As will be discussed in the following sections, status offenders are often subjected to the same dispositions as "delinquents" including placement in a detention facility.⁴³ This raises still another constitutional argument that the juvenile court inflicts cruel and unusual punishments on youngsters.⁴⁴ Although this argument can be applied to adjudicated "delinquents" it is perhaps more evident when considering the status offenses of running away, disobeying parents, etc. Together with vagueness problems, the emerging right to treatment, and other due process and equal protection arguments, it may be time to ask whether, out of a desire to save status offenders from becoming delinquents, punishment, totally out of proportion with the "offense," is being administered in the guise of a "helping hand."

Stigma

Another argument against the juvenile court retaining jurisdiction over status offenders is the resulting stigma which attaches to the youth.⁴⁵ Four results of stigma are: 1) heightened police surveillance; 2) neighborhood isolation; 3) lowered receptivity and tolerance by school officials; and 4) rejection by prospective employers.⁴⁶ As a consequence of the labeling, a cycle of further delinquent conduct may be predetermined.⁴⁷ It has been said that "official response to delinquent behavior may often act to push the juvenile further into deviant behavior."⁴⁸ The social rejection that arises because of the stigma may reinforce a negative self image and convince the youth that he could never succeed or be accepted in normal society.

The attempt to de-stigmatize status offenders by calling them PINS or another such name, instead of the delinquent title, has not succeeded,⁴⁹ since the public fails to make any distinction. Although many states attempt to treat the child in need of supervision differently from the delinquent, the attempts have not proven successful.⁵⁰

Right to Treatment

There is a growing recognition of a right to treatment where an individual has been subjected to state intervention on the basis of his need for corrective care, rather than where his conduct violates criminal law or endangers the community.⁵¹ Part of the philosophy of the juvenile court is to rehabilitate the youth, and at the very least, to forestall and treat predelinquent tendencies. Due process is usually seen as the foundation of the right to treatment concept.⁵² Absence of meaningful treatment can be a denial of constitutional rights guaranteed by the Fourteenth Amendment according to one author.⁵³ Dictum from Gault even says that appropriate treatment is essential to the validity of juvenile custody, and a juvenile may challenge the validity of his custody on the ground that he is not receiving any treatment.⁵⁴

Thus the right to treatment must exist, measured in terms of services likely to have the greatest beneficial impact, as a quid pro quo for the parens patriae power of society to exercise control over a youth who did not commit a criminal act.⁵⁵ One criticism of current treatment of status offenders is the lack of treatment after disposition. A major claim is that institutionalization of a beyond control child, for instance, is self-defeating because it removes the focus from the family where the problem is based and where it must be resolved. The institution presents a subculture which is antithetical to family reintegration.⁵⁶ This attack on the institutionalization of status offenders reflects the failure to provide appropriate and differential treatment for the status offender, a result in conflict with the goal of delinquency prevention.⁵⁷

Detention of Status Offenders

One of the most criticized facets of official intervention in regard to status offenders is that detention is often effectuated.⁵⁸ Those who justify detention and penal commitment do so in light of the practical needs of society to thwart the rise of juvenile delinquency.⁵⁹ Those who seek to invalidate detention follow the theoretical justifications of the juvenile court to primarily treat and rehabilitate.⁶⁰ Whichever view is advocated, the fact is that nationwide, at least 50% of all juveniles detained are status offenders.⁶¹ Thus, one of the main arguments against detention is that the facilities are overcrowded and the institutions should be able to devote their time and resources to youths who really need incarceration,⁶² not to youths whose "crimes" are victimless. The assertion is that a youth should only be detained if his actions are harmful to himself or to the community.⁶³

One of the basic questions currently being discussed in the current literature is whether there should be any detention of juvenile delinquents. Detention involves the temporary care of juveniles alleged to be delinquent in physically restricting facilities or other programs arranged by the court until disposition or transfer to another jurisdiction. Most authorities stress that detention should involve care and not punishment.

The decision to detain is usually made at two stages. The first decision is made by the intake worker after the juvenile has been taken into custody by the police. The next decision is made at the detention hearing by the court. The intake worker first considers the seriousness of the alleged act. Generally, the child is detained if the case involves a crime considered a felony if committed by an adult. Careful evaluation by the intake worker may reveal that the child is unlikely to commit another serious offense, but seldom is the intake worker capable of such a determination. The child is therefore detained until a more careful evaluation can be made.⁶⁴

A hearing is held to decide whether to keep the child in detention until his scheduled court appearance. The current trend seems to be to make the detention hearing mandatory, as is the case in Texas.⁶⁵

Various sets of criteria have been developed as to when detention is required. In general, the reasons for detaining a juvenile are given as follows: children who are likely to run away while their case is pending, children who are being held for another jurisdiction, or children who are capable of committing an offense dangerous to themselves or the community.⁶⁶ Detention may also be recommended when suitable supervision is not provided by a parent or guardian, or there is no parent or guardian.⁶⁷

There are various arguments which can be made against detention. In most instances there is no educational program at the detention facility, or the program is inadequate. Even if the program is adequate, it is often difficult to make the transition back to the school on the outside. In the case of a child who is doing poorly in school anyway, there is the possibility that the interruption may later cause him to drop out of school completely. This would lead to even more serious problems for the juvenile.⁶⁸ Another argument which may be made against the use of detention is that if the juvenile is currently employed, detention may cause him to lose his job. Subsequently, he may have difficulty in locating another job.⁶⁹

Yet another important consideration to be taken into account is the child's emotional condition. Detention in certain instances might not be advisable for a juvenile with serious emotional problems, and he may benefit more by some means other than detention. The emphasis here should be on treatment. One of the strong arguments against detention is that it fails to alter the behavior of the majority of the offenders.⁷⁰ There are signs that "the impact" the institution has on the individual during treatment is declining rapidly, as shown by the growing figures for consequent offenders.⁷¹ This failure is also achieved at a high financial cost.

Specifically, as to status offenders, part of the failure of detention is due to the commingling of the status offenders with adjudicated delinquents⁷² and it is asserted that "while the Standard Juvenile Court Act long has called for separation of the nondelinquent child from those who have violated the law, by requiring that the former may not be placed in institutions primarily designed for treatment of delinquents, contrived indiscriminate grouping constitutes a national disgrace."⁷³ An article in the Baylor Law Review has specifically criticized the Nebraska juvenile statutes saying that they are "self-defeating because even though they provide for different classifications for the various types of juvenile offenders, they provide that the juvenile court has discretion to commit children of either class to the same institution for juvenile offenders."⁷⁴

In situations where it is eventually decided that detention is required, the juvenile's stay at the detention facility may be extended. The period of detention is likely to extend into months, especially in large cities where hundreds may be detained pending their hearings and disposition. In Texas it was found that although a juvenile's case is

usually docketed within ten days, his or her stay is often extended indefinitely, and the extension is often attributable to the juvenile's own attorney.⁷⁵ Throughout the country the average length of detention is more than twenty days.

The problem of jail detention is still considered a national problem. The overuse of jails for juveniles has been denounced by justice system personnel and lay critics, but the practice continues to exist in a majority of states. In a survey in Illinois, it was discovered that 6% of the total jail population was comprised of juveniles. Of the 142 jails which held juveniles, only 9 had separate facilities for juveniles away from the adult offenders.⁷⁶ A survey in upper New York State asserted that a majority of the juveniles were being held in jails because there were no available detention facilities. Seemingly even more significant was the fact that the presence of juvenile detention facilities did not prevent judges from still using the jails in some counties. Judges reportedly used the jails to "teach them a lesson."⁷⁷ There appears to be no national differences between the rural areas and the metropolitan areas in the jailing of juveniles. Rural areas often have no facilities available, and metropolitan areas have inadequate facilities to accommodate the increasing volume of offenders.⁷⁸

Many of the jails being utilized to handle juveniles were not constructed to permit segregation of juveniles from adults. Even where there is segregation of juveniles from adults, the conditions tend to be worse for the juveniles as they compose a smaller percentage of the jail population. In some instances, the result of separation has been that the juvenile is placed in solitary isolation. In a few cases this has led to suicide. The argument that a juvenile is jailed for his own protection seems to falter in the face of reports that juveniles are assaulted, raped, or attempt to inflict harm upon themselves.⁷⁹ In areas where separate juvenile facilities have been constructed, there may still be jail-like facilities, and often are located adjacent to the adult jail. The separate facility for juveniles may consist merely of certain rooms in the jail designated as juvenile facilities, and not really completely separate from the adult facility at all.⁸⁰ In any event, it is argued that physically restrictive facilities built for the exclusive use of juveniles have a far more positive effect than the use of adult jails.

One requirement that may be imposed on any juvenile detention facility is that of a routine medical examination. The medical examination can be made mandatory whether the juvenile is detained in a separate portion of the jail or in a separate detention facility. It has been asserted that juveniles who are detained are more likely to be mentally or physically ill and in need of medical care.⁸¹

A second problem associated with detention facilities is that of space. The Illinois survey showed that 82% of the jails had less than 45 square feet of space per person.⁸² Overcrowding has been reported in

some areas, while other areas, noting a drop in the juvenile detention population, cite no overcrowding problem. Overcrowding is more likely to occur in the metropolitan areas where more juveniles are taken into custody. The problem of overcrowding may result in a nervous staff, a tension ridden atmosphere, frequent escapes, homosexuality, physical assaults on the staff, and physical abuse of the juvenile.⁸³ Detention personnel maintain that better screening would help eliminate the problem, and would aid in reducing the emotional damage caused by such overcrowding.⁸⁴

Juveniles, it is argued, need adult supervision and care regardless of what detention facilities they are in. The purpose of detention is not in all cases punishment or deterrence as neither of these are effective unless combined with some sort of professional help and guidance. Often professional services are provided on a part-time basis by people not directly responsible to administrators of the detention facility. Thus, professional help is not available in many situations where it is needed.⁸⁵

Lack of adequate resources, lack of effort in trying to develop alternatives to jail detention, lack of accountability by decision-makers, and lack of adequate information systems that could monitor the jailing of juveniles and reasons for detention, all contribute to the frequent and unnecessary use of incarceration.⁸⁶ This could possibly be avoided by the states taking an active role in monitoring the detention of juveniles and developing a system of inspection to report on the conditions of juvenile detention facilities.

As of yet, there seems to be no clear-cut solution to the problem of handling secure detention for juveniles. Various states and counties have taken some steps to insure that juveniles are held in separate facilities and are being given proper treatment. The main emphasis is providing facilities that are entirely separate and away from the adult facilities. There is also a general concern that the facilities be smaller, and that the staff be competent to deal with juveniles.

Presently there is a need to upgrade existing facilities in many areas. Proposals start with the suggestion that there be periodic inspections to certify that the facilities are suitable for the detention of juveniles. This could be accomplished by the state through either a juvenile board or the juvenile court.⁸⁷ In addition to inspection, a state-wide system of information collecting can be adopted to insure accountability and quality control. Not only can separate detention centers be checked but also the jails may be inspected to insure that juveniles are not being held there. The inspectors may be responsible to the Department of Social Services or the state Supreme Court.⁸⁸ Under no circumstances, it is said, should juveniles be jailed with adult offenders.

Mandatory detention hearings may be held within 24 hours after a juvenile is taken into custody. In determining whether detention is

necessary or not, criteria could be developed as to what is a clear danger to the community and who is a risk. Criteria should be explicit and limited solely to acts which would be criminal if committed by adults.⁸⁹

Alternatives to removing status offenders from their homes and placing them in detention centers have existed in the form of experimental programs for many years.⁹⁰ Besides Youth Services Bureaus, there are foster homes and group residences. Another program is the establishment of facilities to house and care for runaways. Another alternative is to adopt a firm policy of abolishing all detention centers and training schools and relying upon a comprehensive program of decentralized placement of children.⁹¹ A widespread conclusion of the literature is that placement in the system should be used only as a last resort.

Foster and shelter homes may be particularly appropriate and may provide adequate supervision in many cases. The emphasis, it is said, should not be on punishment. Punishment is the court's function and should not be inflicted until all the facts are in.⁹² Shelter care may be especially appropriate in cases where the child does not need secure custody, but must be removed from a home situation or from parents who are unwilling to assume responsibility. Criteria might be developed to determine who would benefit from a shelter home and who would be better placed in secure detention. Secure detention in some instances may be absolutely necessary, and to place those juveniles in a shelter home might destroy the concept of the shelter home.

Some areas have experimented with the use of foster homes. One project in the city of St. Louis in 1972 provided for the release of certain children to a temporary home while under close supervision of a community youth leader. The program was designed to provide control and supervision of juveniles who do not require secure detention, but who would be placed in secure detention if there was no other alternative. During the course of the project, it was found that very few committed new offenses.⁹³ Minnesota has also experimented with the use of foster homes within the community. New York City's project utilized foster homes, boarding homes, and group homes for the placement of juveniles not requiring secure detention.⁹⁴

There are cases where secure detention may be required both for the community and the child. Regional detention facilities can be provided, as in many instances it would be unnecessary to provide detention facilities in each community. This would help reduce the number of juveniles being detained in jails as is now the case in many less populated areas. These regional facilities would not necessarily have to be large institutions, but could be kept smaller, depending upon the number of juveniles expected to be detained there. In addition, the regional facilities should be flexible in order to meet future developed insights, and the demands of society. As of yet, there has been no effective solution reached on the problem of juvenile detention, and the number of successful plans thus far appear minimal.⁹⁵

Finally, the state may assume responsibility for county and local detention. The state would then be responsible for supervising detention facilities and would also be available for consultation in areas of juvenile detention. LEAA grants could be used to aid in the development of alternatives to detention. Some states have consulted their Youth Services Bureaus for innovative alternatives.⁹⁶

Of course, it may be argued that the best solution would be to release the juvenile back to his home. However, this is not possible where the home situation is not conducive to the supervision of the child. The danger is that by not requiring separate detention facilities, the juvenile may develop attitudes that are more alarming than those which led to detention in the first place.

Diversion -- General

According to one critic, diversion is the new label for the old practice of making informal pre-adjudication dispositions in both the juvenile and adult systems.⁹⁷ The diversion approach centers on reducing the involvement of juvenile offenders with the juvenile justice system.⁹⁸ A major concern of this approach is the reduction of the number of juveniles currently confined in correctional institutions and in some cases, the elimination of all such "institutions" for juveniles. Diversion is the alternative choice of many who are involved in "the national movement aimed at phasing out the existing correctional institutions that house . . . adjudicated youthful offenders."⁹⁹

The United States Department of Justice advocates the establishment of youth service systems "which will divert youth, insofar as possible, from the juvenile justice system by providing comprehensive, integrated community based programs designed to meet the needs of all youth, regardless of who they are or what their individual problems may be."¹⁰⁰ Unfortunately, many feel that the communities are not ready to meet this burden, and they feel that the mental health professions are not ready to enter into the treatment of delinquents and status offenders as they still adhere to clinical conceptions centering on blaming the victim.¹⁰¹

The idea of diverting youths away from the juvenile court requires a consideration of the question, "who will handle the actual diversion process?" Four possible answers place this burden on the schools, the law enforcement agency, the courts, and on the community.

Considering first, employing the school as the diversionary mechanism, Judge David Bazelon feels that the schools have the best chance of reaching and helping troubled children.¹⁰² Possibly the best argument for school-based diversionary programs is that the risk of stigmatization is the least.¹⁰³ However, schools generally suffer from insufficient funding, bureaucracy and incompetency and, more than likely, would resist any movement to encumber them with the awesome task of delinquency prevention and treatment.

Secondly, it has been proposed that since law enforcement officials usually have the first contact with juvenile offenders, they are in the best position to divert these youths away from the system.¹⁰⁴ Although the initial contact is important, it would be necessary to increase police professionalization and provide instruction in the area of juvenile intervention before this alternative would be viable.¹⁰⁵

The third option, and the one most commonly in use, is the court-based diversionary process. Basically, intake officials would be responsible for diverting youths to community agencies for whatever treatment necessary or simply would not take any action whatsoever. Critics of this approach fear that any contact with the juvenile court would be detrimental to youths, particularly youths in need of supervision.

Youth Services Bureau -- A Community-Based System of Diversion

A diversionary method which has increasingly found support in recent years is the Youth Services Bureau.¹⁰⁶ The Youth Services Bureau is a community agency to which children would be referred, rather than to juvenile court, if their behavior is not so serious as to present a threat to themselves or society, but who manifest conduct indicative of the need for assistance.¹⁰⁷ The Youth Service Bureaus hope to achieve their goals by mobilizing "children, parents, teachers, workers, professionals, and all other concerned individuals at the neighborhood level in the treatment and prevention of undesirable juvenile behavior."¹⁰⁸

One study on the effectiveness of these diversionary programs in the southern California area presents an encouraging statistic: during the year 1970 there were 178 fewer juvenile arrests in the area covered by Youth Service Bureaus than there were in 1967 -- a drop of almost 15 percent.¹⁰⁹ Another study of a Youth Service Bureau in Puerto Rico says that the "effort has been impressive."¹¹⁰

The value of the program is said to be that neighbors of the same cultural and social background as the youth can better identify and meet his needs. This rationale represents the idea that the community should and must ultimately bear the burden of the prevention of delinquency.¹¹¹ Especially in reference to status offenders, communities might seek out effective alternatives to official intervention. As long as status statutes remain, the accusation has been made that neither the community nor the court must responsibly look for solutions.¹¹² The response to "predelinquent" behavior should "be a process of identifying the youth's needs and providing for him a suitable opportunity to satisfy those needs."¹¹³

Diversion -- Summary

Diversion itself implies the failure of the juvenile justice system to treat and/or prevent the incidence of juvenile delinquency. Every diversion program suggested restricts the confinement of status offenders under any circumstance and emphasizes the use of community, public, and private agencies in the area of crisis intervention and general treatment.

A potential problem, however, of the diversion process in general is the vast amount of discretion that appears unavoidable. Wherever discretion exists, so does the possibility of abuse of discretion.¹¹⁴ A monitoring of the system seems necessary in order to circumvent the abuse of discretion.

A Modified Approach for Retaining Juvenile Court Jurisdiction

The different views and reasons given for retaining juvenile court jurisdiction over status offenders, although usually with some modifications to the present system, can be listed as the following:

1. In general, children need control. Status offenses are indications of serious trouble and may be as serious as some of the criminal offenses.¹¹⁵ The firm guidance of the court might deter status offenders from committing more serious acts of delinquency.

2. If the child and parents are unwilling to voluntarily accept help for the child, and the problem is reasonably serious, the court must have jurisdiction.¹¹⁶

3. Many minors who have committed lesser acts of a criminal nature (e.g. hubcap thefts) are petitioned under status offender statutes rather than the more severe delinquency petitions. Removal would deprive the courts of this option.¹¹⁷

4. Courts should retain jurisdiction so that they can intervene in the child-parent relationship with or without the consent of the parties when the situation reaches an impasse or the demands of the parents become unreasonable.¹¹⁸

5. Status offenses statutes should be retained but revised so as to meet any constitutional requirements they now lack in terms of clarity, and safeguards to the juvenile.¹¹⁹

6. The disposition of status offenders should be limited to counseling or placement in a foster home. Social workers and probation officers should present realistic and constructive alternatives. One author suggests that a special administrative department be created for the concern of youth, but the court should retain control over the "uncontrollable children."¹²⁰

7. Official intervention should be a last resort, but all children should be subject to the court's jurisdiction.¹²¹

8. An intermediate approach suggests a combination of Edwin Lemert's proposal for "judicious nonintervention" and Robert Emerson's suggestion of "maximizing the court's power and inclination to resist and change established definitions about delinquents and their situation."¹²²

9. Jurisdiction is necessary for the retention of control over runaways, and youths having troubles with their families.¹²³ Police

would not be able to apprehend runaways without this jurisdiction.¹²⁴

Revision and/or Elimination of Status Offender Statutes

The majority view regarding juvenile court jurisdiction over status offenders is highly critical of existing statutes dealing with "non-criminal" juveniles and favors either total elimination of such statutes or their extensive modification. The critical points raised most often are:

1. Statutes in their present form are subject to void-for-vagueness attacks.¹²⁵
2. A stigma attaches to the juvenile offender upon coming under court's jurisdiction.¹²⁶
3. Lack of common meaning from one jurisdiction to another and lack of continuity in different judges' rulings in same jurisdiction implies unequal application of these laws.¹²⁷
4. There are no safeguards in status offender statutes to negate the personal biases of the judge. Statutes offer no standards for decision making, risking status offenders to abuse of judicial discretion.
5. Since there is no threat to public safety in the area of status offenses, this is not properly an area for judicial monitoring.¹²⁸
6. Spending time and resources on status offenders saps the capacity of the police and the courts to deal with truly criminal conduct.¹²⁹
7. Particularly in incorrigibility cases, trials are damaging to an already strained family situation.¹³⁰
8. Status offenses condemn conditions and not specific acts.¹³¹
9. Prosecuting status offenders pushes them further into deviant behavior.¹³²
10. Status categories can be used as substitutes for delinquency charges when the evidence is insufficient to support a delinquency petition.¹³³
11. The court can be used by the parent to punish the child.¹³⁴
12. Criminal responsibility can be assigned to children when blame or responsibility cannot be determined or when the questioned conduct was a reasonably normal response to provocative or intolerable situations.¹³⁵
13. Association with "delinquent" children in juvenile correctional institutions may cause negative consequences.¹³⁶

14. Evidence supports the possible misuse of juvenile correctional institutions in that a great number of the residents are status offenders.¹³⁷

15. The purpose of runaway statutes is to keep families together but court intervention reduces the availability of informal sanctions and may pull the family even farther apart.¹³⁸

16. There is no adequate justification for the penalization of runaways when the conditions precipitating the act of running away are primarily environmental.¹³⁹

17. The overload of juvenile courts must be diminished.¹⁴⁰

18. Institutional incarceration fails to alter the behavior of offenders.¹⁴¹

19. Habitual truancy is evidence of the failure of the school system and is not conclusively evidence of the failure of the child.¹⁴²

20. The noninterventionists propose the complete elimination from the jurisdiction of the juvenile court of conduct illegal only for children and do not qualify this position by suggesting any diversionary alternatives.¹⁴³

Conclusion

Writers in the juvenile justice area seem to agree that when dealing with status offenders, the juvenile court should be an agency of last resort; that all remedies should be exhausted before a case is considered. Many writers would never permit a status offender to be brought before the court. The question then becomes, does the court do nothing in this area and will the community accept its responsibility for providing the needed services for troubled youths?

Those favoring intervention by the court would limit dispositional alternatives to "family-type" placement and would never permit the residential detention of status offenders.

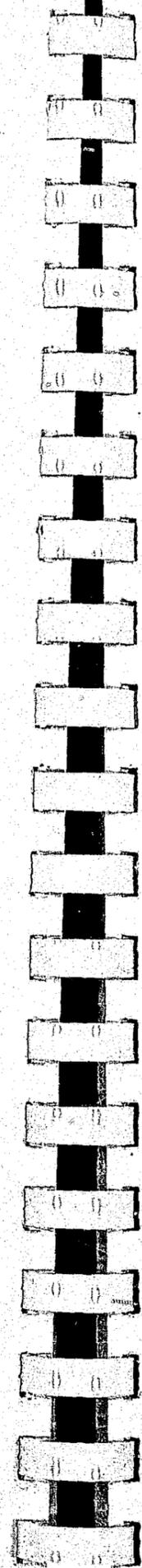
Perhaps, suggest these authors, the time has come for the juvenile court to reassess its goals, to determine whether it can effectively prevent and/or predict juvenile delinquency, and to decide whether any action on its part in the area of status offenses is beneficial to the youth in question.

FOOTNOTES

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CHAPTER V
FINDINGS AND RECOMMENDATIONS

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The findings are divided into those which were developed from the data and those from the literature. The recommendations will not be divided into sections.

Findings - Literature

1. The ideals of the juvenile court with its implementation of intervention based upon the *parens patriae* concept have, to a large degree failed.
2. Many of the statutes dealing with status offenders are vague and broadly drawn, and thus may be constitutionally attacked as void for vagueness.
3. The vagueness of the statutes leaves much discretion in the hands of the police and the juvenile court judge, discretion which has been abused.
4. The vagueness of the statutes may be part of a denial of due process since there is no fair warning of the specific act which is proscribed. A status, rather than a specific act, is prohibited.
5. The statutes enable one to avoid proving a crime beyond a reasonable doubt because the statutes for status offenders are so broad that such a standard of proof may become meaningless.
6. Status offenders often do not have the same rights as a juvenile charged with violation of the adult criminal codes, although the dispositions are often similar.
7. There may be equal protection violations, especially as to female status offenders who are being widely placed in institutions for sexual behavior which is more often condoned for boys.
8. An Eighth Amendment argument has been raised which states that punishment, totally out of proportion with the offense, is being administered in the guise of a "helping hand."
9. A damaging stigma attaches to a youth who is found to be a status offender, even if he is called a PINS, MINS, etc. This stigma may reinforce a negative self image and promote further antisocial acts.

10. There is a right to appropriate treatment when a juvenile has been found to be a status offender rather than an offender of a criminal law. Absence of meaningful treatment after disposition may be a denial of constitutional rights guaranteed by the Fourth Amendment. Institutionalization reflects the failure to provide appropriate and differential treatment for the status offender.
11. Detention of status offenders in institutions results in overcrowding, and adds to the financial costs of running the institutions.
12. Detention may cause a juvenile to have trouble locating a job after he is released from the institution.
13. There are often only inadequate educational programs at the detention facilities.
14. There is evidence that detention fails to alter the behavior of most offenders.
15. Jail detention is considered to be a serious problem, especially when status offenders are mixed with adult criminal offenders and adjudicated delinquents.
16. Diversionary methods should be used, especially for status offenders. The burden should be taken off the courts and placed upon the schools, the law enforcement agencies, intake officials and the community.
17. One community-based diversionary system which has met success is a Youth Services Bureau to which children can be referred as an alternative to official intervention.
18. A common view is that since no threat to public safety is involved in status offenses, judicial monitoring of these offenses is improper.
19. The juvenile court may be used by the parent to punish the child.
20. Often, the conditions precipitating the status offense are environmental, and penalization is improper. Especially for an offense like running away, informal sanctions developed by the family might be more effective.
21. Having adjudicated delinquents detained in facilities which are shared with adult criminal offenders raises serious problems and results in potential additional physical and psychological harm to the delinquents.

Findings - Data

1. A relatively small number of juveniles (about 127 in 1974) are presently being held in non-separate facilities. Many of those areas that do not have separate facilities for juveniles either are planning or want to plan for such.
2. The state justice system already appears to be moving in the direction of having statewide complete separation of juveniles and adult offenders.
3. Only Hall, Howard, Keith, Lancaster, Platte, Washington, and Webster Counties had nine or more juvenile delinquents placed in non-separate secure facilities during 1974.
4. The great majority (approximately 88% in 1974) of children petitioned upon or found to be delinquent under Nebraska Revised Statute §43-202(3) and who were placed in secure detention were placed in separate facilities.
5. There was a relatively large number (over 95%) of status offenders placed in secure detention facilities during 1974. There is an increase anticipated for 1975.
6. Only Adams, Buffalo, Dakota, Devel, Dodge, Douglas, Hall, Kearney, Lancaster, Lincoln, Nemaha, Scotts Bluff, Washington, and York reported placing five or more status offenders in secure detention during 1974.
7. There is anticipated a slight increase in the number of status offenders to be placed in secure detention during 1975.
8. Most counties which are detaining a significant number of status offenders in secure facilities indicate a desire to switch to non-secure sheltered facilities if such facilities become available.
9. Fifty-six counties reported either having existing secure separate facilities or using such facilities in another county.
10. Thirty-seven counties reported neither having secure separate facilities nor using such facilities in another county.
11. Forty-nine counties reported a lack of any non-secure shelter facilities. Many of these counties also expressed no perceived need for any such facilities.
12. About 10% of the counties in Nebraska felt they could remodel present facilities to provide secure separate detention for juveniles. Approximately 60% of the counties reported either possessing or using another county's secure separate facilities. There is some overlap between these two groups.

13. There was a reported need to place approximately 782 additional juveniles in non-secure sheltered facilities. Sixty-three per cent of these placements are needed in Cheyenne, Douglas, Lancaster, and Scotts Bluff Counties.
14. Thirty-three counties reported a very small need for additional non-secure sheltered facilities and fifty-six counties reported no need for additional non-secure sheltered facilities.
15. Judges handling juvenile cases moderately disagree with the idea of repealing the statutes on status offenders.
16. The judges handling juvenile cases felt very strongly that as long as the status offenses are against the law, that that law should be enforced.
17. Judges handling juvenile cases were moderately in favor of participation in the Juvenile Justice Delinquency Prevention Act of 1974.

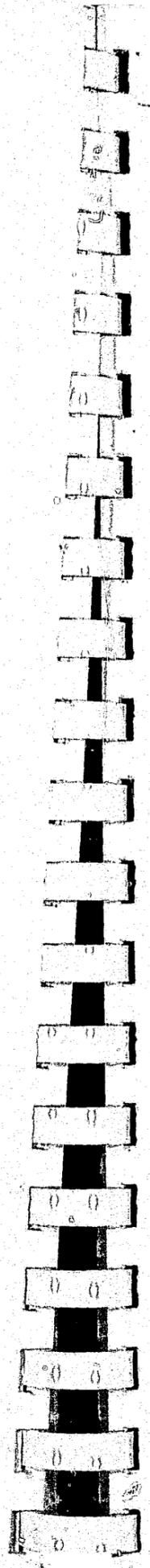
Recommendations

Following are our recommendations to the State, should Nebraska decide to participate in the Federal Juvenile Justice and Delinquency Prevention Act. These recommendations are made in consideration of the literature review, of the present data collection, and of the previous knowledge, attitudes, and expertise of the Institute project staff.

1. Criteria should be developed to determine which juveniles would benefit from a shelter or foster home and which would better be placed in secure detention.
2. Regional juvenile detention centers should be developed throughout the center of Nebraska. The detention centers should be kept small.
3. An emphasis should be placed on making sheltered non-secure facilities available for delinquents.
4. To make sure that adult jails are not used to house juveniles, an inspection system for all jails should be developed. It is our understanding that the Department of Correctional Services is accomplishing this at the current time.
5. If statutes concerning status offenses are not repealed, then at the very least they should be revised and made definite. If statutes for the status offenders are to be retained, their language should be made more precise so as to give notice as to which acts are being proscribed.
6. Status offenders should have the same rights as juveniles charged with violations of adult criminal codes.

7. Since truancy often involves, at least in part, the failure of the school, perhaps the schools should share or assume the responsibility of handling all truants.
8. Appropriate treatment is essential to juvenile custody; the juvenile system is designed to treat rather than to punish. Thus, status offenders should be provided with appropriate treatment in the most effective setting possible.
9. Juveniles should only on rare occasions be detained in jails; and if there must be detention, status offenders should be segregated from adult offenders and juvenile delinquents.
10. In any juvenile detention facility there should be routine medical examinations to determine any needs for medical or psychiatric care.
11. Placement in a detention center should, most often, be a last resort. Other placement alternatives should be developed in the community. Besides foster and shelter homes, Youth Services Bureaus could be very effective.
12. In cases where secure detention is required for protection of both the community and the child, it is recommended that regional detention facilities be provided.
13. Law enforcement officers and the court intake personnel should be responsible for diverting certain youths away from the judicial system. They should divert the youths to community agencies for proper treatment.
14. The community itself should actively develop alternatives to official court intervention. Children, parents, teachers, social workers, professionals, and other concerned individuals at the neighborhood level should be mobilized in the treatment and prevention of undesirable behavior by juveniles.
15. If jurisdiction over status offenders is retained by the juvenile court, disposition might be limited to counseling or placement in a foster home. Social workers and probation officers could present constructive alternatives.
16. If status offenders are retained under juvenile court jurisdiction, then maximum diversion should be used. No detention, but rather only shelter care should be employed pending adjudication, and commitment to the State training school or any similar institution should be eliminated as a dispositional alternative under all circumstances.
17. The Nebraska detention standards established in Sections 43-205.02 through 43-205.04 and 43-206 appear to be satisfactory. The reasons

for detention are the commonly accepted reasons and the child has sufficient due process for any detention longer than the brief initial detention. The problem is where children are being detained. Delinquents (and also status offenders under the present law) can be placed in jail with adults if aged 16 or 17, in separate jail facilities if aged 14 or 15, and may not be placed in jail if under age 14 (Nebraska Revised Statutes §43-121). Even if this statute is adhered to in practice, placing some 14 and 15 year olds and some 16 or 17 year olds in jail, even separate from adults, is potentially a dangerous practice. Only older youths who have committed serious crimes and are going to be prosecuted as adults should be placed in a jail; and even then, the detention should be separate from adults, given the knowledge we have about mistreatment of younger prisoners by older prisoners.



CHAPTER VI
IMPLEMENTATION--CONCLUSIONS AND OPINIONS

CHAPTER VI
IMPLEMENTATION--CONCLUSIONS AND OPINIONS

Introduction

The Federal Act strongly emphasizes diversion and rehabilitation as goals of the juvenile justice system, specifically referring to development of shelter care facilities, service designed to strengthen the family unit, youth services bureaus and other community-based programs, and expanded training and use of probation personnel and volunteers. (See sections 221 and 223 of the Federal Act.)

There are at least two approaches to implementation of the Federal Act. One approach is somewhat passive and calls for meeting minimum requirements in order to accept funding under the Act. The other approach is active and calls for meeting the spirit of the Act. The decision of which approach to use should be based on the goals that the State of Nebraska sets for its juvenile justice system. Meeting the spirit of the Act may have long-range consequences which are not consistent with what Nebraska considers to be good practice. There must be a decision as to whether the additional services needed to implement the spirit of the Act are necessary for a good juvenile justice program.

It appears that Nebraska in its juvenile justice system has been moving in the direction contemplated in the Federal Act. The guidance of the Federal Act and the funds provided by it should complement and supplement the efforts of the state. The implementation of this Act should proceed on several fronts simultaneously.

Status Offenses

Implementation should proceed on two fronts with regard to this area. One effort should be a detailed look at the possible elimination of jurisdiction over some or all of the status offenses (Neb. Rev. Stat. §43-202(4) (Supp. 1975)). The other effort should be the elimination of secure detention as a possibility for juveniles who either commit or are alleged to have committed acts which are described in §43-202(4), for all but defined exceptional cases).

The authors of this report recommend serious consideration of the elimination of jurisdiction over status offenses. The weight of opinion from the literature, and the authors of this report, strongly support such a move. The judges handling juvenile cases in Nebraska moderately disagree with the idea of repealing the statutes on status offenders, however.

It seems that the basis for exerting the court's authority over truants runaways, children who are at odds with their parents, and the like, is weak when the consequences to the child of intervention seem far more serious than the consequences of non-intervention.

The use of the status offender category as a mitigatory device where a child is a first time criminal offender or has committed a minor criminal offense may not offer a strong argument against elimination of the category: the stigma and consequences may be as harsh as for a finding of delinquency; and furthermore, diversion from the system should be utilized for such a child.

To eliminate this category of jurisdiction is not to ignore the problems of youth but rather to encourage the development of voluntary, non-judicial methods of dealing with the problems and to allow judicial intervention only in a different framework, perhaps one which deals with the family situation more directly as opposed to charging the child with improper behavior. Families and youths could be referred to non-judicial agencies from which they would voluntarily seek help. Offenses under the status offender category may be handled better by the schools, intake officials, the community, or law enforcement agencies rather than the courts.

If the statutes for status offenses are not repealed, then at the very least, they should be revised and made definite. Their language should give notice as to which acts are being prescribed. Additionally, status offenders should have the same rights as juveniles charged with violations of adult criminal codes.

The minimum effort called for under the Federal Act is the elimination of secure detention as a possibility for alleged or adjudicated status offenders. This should be defined as a goal by statute which would limit disposition of such cases to probation, counseling, and placement in a sheltered non-secure home or in a foster home. This statute should also make it clear that intake officials and law enforcement agencies are not to place alleged status offenders in secure detention, except for defined exceptional cases, prior to adjudication or the implementation of a diversion process.

Sheltered non-secure group homes are badly needed in Douglas, Lancaster and Scotts Bluff Counties in order to meet the requirements of the Federal Act. Additionally, regional sheltered facilities are needed in other areas of the State. Decisions on placement of the regional sheltered facilities need further input from the judges who handle juvenile cases. Some of these judges have expressed the need to use sheltered non-secure facilities for delinquents as well as for status offenders.

Until the needed regional shelter facilities can be developed and staffed, emphasis should be placed on the use of foster homes. A complete training program for foster parents should be developed by a central state agency. The training is necessary so that foster parents can be adequately prepared for their task. The training program should emphasize the use of slides, films and video tapes so that the training program can be carried to all parts of the state easily and without undue expense. Foster parents should have regular contact with a court representative.

Since some juveniles benefit more from placement in a sheltered group home than in a foster home, while for some juveniles the reverse is true, criteria should be developed to determine who would benefit from a shelter home placement and who would benefit from a foster home placement. Some juveniles initially may not be able to cope with the potential closeness of relationships in a foster home. However, group homes should always be a temporary placement; movement to a foster home and potentially more permanent solution should be the desired objective.

Delinquent Offenses

There is no serious question raised in the literature or by the authors relative to the idea that delinquent offenders should be handled by the courts. The question raised mostly concern detention, disposition, and diversion. At a minimum, the Federal Act requires that juveniles alleged or found to be delinquent, if they are to be detained in secure detention, must be detained in facilities which are completely separate from adult prisoners or those juveniles tried as adults. Nebraska is moving in this direction at the present time and appears to support the idea of such separation as a necessary goal of the juvenile justice system.

Only seven counties reported placing nine or more delinquent offenders in non-separate secure facilities during 1974. Lancaster County's problem in this regard should be solved when their new Attention Center is opened. To meet the needs of those counties which do not have separate secure facilities for juveniles, regional detention centers should be developed throughout the center of Nebraska. These detention centers should be kept small. Decisions on the placement of the regional detention centers need further input from the judges who handle juvenile cases and from elected county and city officials. The reported need for additional secure facilities is given on page III-25; however, these data need much work before definite plans can be developed from them.

Consideration might be given to the use of part of the state facilities for juvenile offenders at Kearney and Genera as short-term secure facilities for the immediate area surrounding these institutions. If such a plan were developed, care would need to be taken, particularly, to assure separation of the alleged delinquents from contact with regular occupants of these institutions. Douglas and Lancaster County's facility could also be explicitly defined as a regional facility. All four of these institutions would probably need additional funds to handle this new role.

Placement in a detention center should be a last resort and alternatives should be developed through use of probation shelter homes, and foster homes. Greater emphasis should be placed on the use of shelter non-secure facilities for housing alleged or adjudicated delinquents. To help the courts decide on whether to place an alleged or adjudicated delinquent in a shelter or foster home as opposed to secure detention,

definitive criteria should be developed.

Diversion should probably be authorized and defined as a goal by statute and specifically developed in the State plan (see Standard 8.2, National Advisory Commission on Criminal Justice Standards and Goals and Section 13, N. J. Children's Bureau Legislative Guidelines). The stated goals in Section 43-201.01 of the Nebraska statutes appear to require this approach, and this approach is consistent with the federal approach. Development of resources may take extended period of time. There appears to be no conflict with Gault if the guidelines in Standard 8.2 are adhered to.

Other Considerations for Implementation

Serious consideration should be given to the development or identification of research training and evaluation capabilities within the State. The juvenile justice system as a whole, in the State, could support such an effort, although no single unit of the system has the necessary funds. Training programs for juvenile court personnel appear to be the most pressing need. However, evaluation procedures are also needed. The research effort is being met somewhat by the efforts of the federal government and by private research organizations.

To meet the requirement of Section 223(a) (10) of the Federal Act, 75% of the federal funds must be utilized for advanced techniques in providing juvenile justice service. For this to occur properly a plan should be developed. Materials on such advanced techniques must be made available to juvenile justice officials so that they can then make informed inputs into the final plan.

Section 223(a) (8), (16), and (20) should also have careful consideration. These sections relate to: (1) a detailed study of state needs, (2) assuring privacy of records and protecting the rights of recipients of services and (3) evaluation of the State Plan on an annual basis.

Summary

There is the strong suggestion in this chapter that jurisdiction over status offenses should be eliminated. This suggestion is made for at least two reasons. First there is strong support for the idea that judicial intervention has not helped alleviate or solve the problem which engender status offense but, rather, that such intervention may have had a negative impact on the offenders as a group. The second reason for such a elimination is that scarce resources are spread too thin. These scarce resources should be concentrated on handling delinquents since the acts of delinquents are more serious and potentially much more dangerous to society. If all the resources presently available for handling cases involving juveniles were concentrated on handling only delinquents, appropriate effort could be given to detention alternatives, a more structured and complete probation program, and a detailed diversion program.

APPENDIX A
LETTER AND QUESTIONNAIRES

Transmittal Letter

Mailed Questionnaire

Recording Questionnaire

October , 1975

Dear:

The Nebraska Commission on Law Enforcement and Criminal Justice needs information related to planning for Nebraska's potential participation in the Juvenile Justice and Delinquency Prevention Act of 1974. The Creighton Institute for Business, Law and Social Research has been selected to carry out the information-gathering task for the Commission.

We need information on the handling of juveniles who fall under Sections 42-202(3), and 42-202(4) of Nebraska Revised Statutes. The enclosed questionnaire outlines the information needs.

We request that you fill out the enclosed questionnaire as soon as possible but do not mail it. Within a few days, you will receive a telephone call from a staff member of the Institute. The staff member will ask you to provide your responses to the questionnaire. We have asked that you not return the questionnaire by mail because telephone calls will enable us to gather the information more quickly, and to answer any questions you may have.

The final report summarizing the findings must be submitted to the Commission by November 20, 1975. In order to meet this deadline, we urgently need your cooperation.

If you have any questions, please feel free to call me at 402/536-2584 or 800/642-8446. My staff and I will be happy to answer your questions. We thank you in advance for your cooperation.

Sincerely,

Geoffrey W. Peters
Institute Director

GWP:lls

Enclosure

 Person Responding

 County or Area Served

 Phone Number

 Street Address

 Position of Person Responding

 City, Count, Zip Code

DIRECTIONS

You should not return this questionnaire by mail. A staff member of the Creighton Institute for Business, Law and Social Research will call you for your answers. Phone calls are being used because the information is needed in final report form by the Nebraska Commission on Law Enforcement and Criminal Justice before the end of November.

Please answer all questions as completely as possible. Where estimates are called for, use your best judgment. Give any explanation which you feel necessary.

If you have any questions, please call Dr. Walter Calinger at the Institute at 402/536-2584 or 800/642-8446.

This questionnaire is divided into two sections. The first section requests information concerning juveniles either petitioned upon or found to be children described in Nebraska Revised Statutes §43-202(3) and the second section requests information concerning juveniles adjudicated under Nebraska Revised Statutes §43-202(4).

Section I

(Juveniles Petitioned Upon or Described in Neb. Rev. Stat. §43-202(3))

Topic I. Current Patterns

In the following questions inquiries will be made about separate facilities for adults and juveniles. Separate facilities means separate living, dining, recreational, vocational, educational, and transportation facilities are provided, or the time period for utilization of these facilities is formally arranged, in order to completely eliminate contact between adults and juveniles.

A. How many juveniles, either petitioned upon or found to be children described in Nebraska Revised Statutes §43-202(3), were held in detention or correctional facilities where they had regular contact with adult prisoners?

___ For January 1, 1974 through December 31, 1974.

___ (Estimate) For January 1, 1975 through December 31, 1975.

B. How many juveniles, either petitioned upon or found to be children described in Nebraska Revised Statutes §43-202(3), were held in separate facilities having no contact with adult prisoners?

___ For January 1, 1974 through December 31, 1974.

___ (Estimate) For January 1, 1975 through December 31, 1975.

Topic II. Existing Facilities

A. Separate Facilities

List the location and capacity of all regular separate facilities that can provide secure detention for juveniles either petitioned upon or found to be children described in Nebraska Revised Statutes §43-202(3).

Name _____

Location _____

Capacity _____

B. Other Facilities That Are Not Separate

Consider here existing facilities in which there is some contact between adults and juveniles.

1. Do juveniles and adults ever eat together?

___ YES ___ NO

2. Do juveniles and adults ever have recreation together?

___ YES ___ NO

3. Are juveniles and adults ever placed in the same cells?

___ YES ___ NO

4. Are juveniles and adults ever transported together?

___ YES ___ NO

5. Are juveniles ever housed within hearing or sight of adult prisoners?

_____ YES _____ NO

Topic III. New Facilities

Would it be necessary to construct new facilities in order to provide separate facilities for juveniles petitioned upon or found to be children described in Nebraska Revised Statutes §43-202(3)?

_____ YES _____ NO

If you answered yes to the previous question, please provide the following information for each needed facility:

Location Desired _____

Capacity Needed _____

Estimated Cost _____

Section II.

(Juveniles Adjudicated Under Neb. Rev. Stat. §43-202(4))

Status offenders are juveniles who are charged with or who have committed offenses that would be not criminal if committed by an adult. (Juveniles adjudicated under Nebraska Revised Statutes §43-202(4)).

Shelter facilities for status offenders may be defined as temporary or emergency care facilities in a physically non-restrictive environment. They are used as temporary living facilities until a permanent plan has been arranged.

Topic I. Current Patterns

How many status offenders has your court caused to be confined in secure detention or correctional facilities?

_____ For the period January 1, 1974 through December 31, 1974.

_____ (Estimate) For the period January 1, 1975 through December 31, 1975

Topic II. Existing Facilities

What facilities are available in your jurisdiction for the non-secure sheltered housing of the status offenders?

Name _____

Location _____

Description _____

Capacity _____

Funding Source _____

Cost to County _____

Topic III. New Facilities

Do you have a need for additional sheltered facilities to house status offenders?

_____ YES _____ NO

How many more juvenile status offenders would you like to place in non-secure sheltered facilities? _____

Topic IV. Attitudes of County Judges and Separate Juvenile Court Judges.

Please respond to the following questions by circling the response which best expresses your feelings and those of your court.

SA - Strongly Agree SD - Strongly Disagree
A - Agree D - Disagree
N - Neutral

1. Status offenders should be placed in secure detention.
SA A N D SD
2. Status offenders commit acts which are harmful to society.
SA A N D SD
3. Sheltered facilities will make it too easy on the status offender.
SA A N D SD
4. Status offenders should not be brought before a court.
SA A N D SD
5. Status offenders should be handled by community agencies.
SA A N D SD
6. Status offenders should be vigorously ignored by law enforcement and the courts.
SA A N D SD

7. The laws concerning status offenses should be repealed.

SA A N D SD

8. Nebraska should not participate in the Juvenile Justice and Delinquency Prevention Act of 1974.

SA A N D SD

Topic V. Comments

Comments concerning status offenders and non-secure shelter facilities.

RECORDING QUESTIONNAIRE
(for staff use only)

Interviewer: _____ Date: _____ Time: _____

Person Responding (1-3) _____ County or Area Served (4-6) _____

Phone Number _____ Street Address _____

Position of Person Responding (7) _____ City, County, Zip Code _____

DIRECTIONS (for Interviewer)

You should be thoroughly familiar with this questionnaire before you attempt to call the appropriate officials for their responses. Your initial call should be placed to the county judge and then, in order, to the: (1) associate county judge (2) county court clerk (3) district court clerk (4) county attorney, and (5) sheriff. Visits will be made to the Separate Juvenile Courts of Douglas and Lancaster Counties.

It is very important that you complete the log for every call or attempted call. Log sheets will be provided for you. There must be a minimum of one call and two call backs to each county.

You must be prepared to answer questions concerning the project and to explain terms and concepts used in the questionnaire and letter. At various points in the questionnaire, you will be directed to ask additional probing questions if particular responses are given to the questions in the questionnaire.

At initial contact, you should identify yourself as calling for the Nebraska Commission on Law Enforcement and Criminal Justice and state that you are a staff member of the Creighton Institute for Business, Law and Social Research. You should then refer to the letter and questionnaire which was sent.

Section I

(Juveniles Petitioned Upon or Described in Neb. Rev. Stat. §43-202(3))

Topic I. Current Patterns

In the following questions inquiries will be made about separate facilities for adults and juveniles. Separate facilities means separate living, dining, recreational, vocational, educational, and transportation facilities are provided, or the time period for utilization of these facilities is formally arranged, in order to avoid contact between adults and juveniles.

CONTINUED

2 OF 3

A. How many juveniles, either petitioned upon or found to be children described in the Nebraska Revised Statutes §43-202(3), were held in detention or correction facilities where they had regular contact with adult prisoners?

___ For January 1, 1974 through December 31, 1974. (8-11)

___ (Estimate) For January 1, 1975 through December 31, 1975. (12-15)

B. How many juveniles, either petitioned upon or found to be children described in the Nebraska Revised Statutes §43-202(3), were held in separate facilities having no contact with adult prisoners?

___ For January 1, 1974 through December 31, 1974. (16-19)

___ (Estimate) For January 1, 1975 through December 31, 1975. (20-23)

Topic II. Existing Facilities

[If the responses to Part A sound like group homes, you stress the fact that the facilities must be both separate and secure.]

A. Separate Facilities

List the location and capacity of all regular separate facilities that can provide secure detention for juveniles either alleged to be or found to be delinquent.

1. Name _____

Location _____

Capacity _____

2. Name _____

Capacity _____

Location _____

3. Name _____

Capacity _____

Location _____

B. Other Facilities That Are Not Separate

Consider here existing facilities in which there is some contact between adults and juveniles.

- | | <u>Yes</u> | <u>No</u> | |
|--|------------|-----------|------|
| 1. Do juveniles and adults ever eat together? | -1 | -2 | (24) |
| 2. Do juveniles and adults ever have recreation together? | -1 | -2 | (25) |
| 3. Are juveniles and adults ever placed in the same cells? | -1 | -2 | (26) |
| 4. Are juveniles and adults ever transported together? | -1 | -2 | (27) |
| 5. Are juveniles ever housed within hearing or sight of adult prisoners? | -1 | -2 | (28) |

[The next two questions are not on the questionnaire sent to the county judge.]

- | | <u>Yes</u> | <u>No</u> | |
|--|------------|-----------|------|
| Could your present facilities be remodeled to completely eliminate contact between juveniles and adults? | -1 | -2 | (29) |

Describe the nature of the remodeling.

Topic III. New Facilities

- | | | | |
|--|----|----|------|
| Would it be necessary to construct new facilities in order to provide separate facilities for juveniles alleged to be or found to be delinquent? | -1 | -2 | (30) |
|--|----|----|------|

If you answered yes to the previous question, please provide the following information for each needed facility:

- Location Desired _____
Capacity Needed _____
Estimated Cost _____

2. Location Desired _____

Capacity Needed _____

Estimated Cost _____

3. Location Desired _____

Capacity Needed _____

Estimated Cost _____

[Section II is requesting information about status offenders and attitudes of county and separate juvenile court judges regarding status offenders.]

Section II.

(Juveniles Adjudicated Under Neb. Rev. Stat. §43-202(4))

Status offenders are juveniles who are charged with or who have committed offenses that would not be criminal if committed by an adult. (Juvenile adjudicated under Nebraska Revised Statutes §43-202(4)).

Shelter facilities for status offenders may be defined as temporary or emergency care facilities in a physically non-restrictive environment. They are used as temporary living facilities until a permanent plan has been arranged.

Topic I. Current Patterns

How many status offenders has your court caused to be confined in secure detention or correctional facilities?

_____ For the period January 1, 1974 through December 31, 1974. (31-34)

_____ (Estimate) For the period January 1, 1975 through December 31, 1975. (35-38)

Topic II. Existing Facilities

What facilities are available in your jurisdiction for the non-secure sheltered housing of status offenders.

1. Name _____

Location _____

Description _____

Capacity _____

Funding Source _____

Cost to County _____

2. Name _____

Location _____

Description _____

Capacity _____

Funding Source _____

Cost to County _____

3. Name _____

Location _____

Description _____

Capacity _____

Funding Source _____

Cost to County _____

Topic III. New Facilities Yes No

Do you have a need for additional separate facilities to house status offenders? -1 -2 (39)

How many more juvenile status offenders would you like to place in non-secure shelter facilities? -1 -2 (40-43)

Topic IV. Attitudes of County Judges and Separate Juvenile Court Judges

++ - Strongly Agree -- - Strongly Disagree
+ - Agree - - Disagree
0 - Neutral

1. Status offenders should be placed in secure detention.

++ + 0 - --
-1 -2 -3 -4 -5 (44)

2. Status offenders commit acts which are harmful to society

++ + 0 - --
-1 -2 -3 -4 -5 (45)

3. Sheltered facilities will make it too easy on the status offender.

++	+	0	-	--	
-1	-2	-3	-4	-5	(46)

4. Status offenders should not be brought before a court.

++	+	0	-	--	
-1	-2	-3	-4	-5	(47)

5. Status offenders should be handled by community agencies.

++	+	0	-	--	
-1	-2	-3	-4	-5	(48)

6. Status offenders should be vigorously ignored by law enforcement and the courts.

++	+	0	-	--	
-1	-2	-3	-4	-5	(49)

7. The laws concerning status offenses should be repealed.

++	+	0	-	--	
-1	-2	-3	-4	-5	(50)

8. Nebraska should not participate in the Juvenile Justice and Delinquency Prevention Act of 1974.

++	+	0	-	--	
-1	-2	-3	-4	-5	(51)

Topic V. Comments

Comments concerning status offenders and non-secure shelter facilities.

APPENDIX B
DETAILED DATA TABLES

Table I: Detention Facilities Used For Delinquents
Under Nebraska Revised Statutes §43-202(3) -- By County

Table II: Detention Facilities Used for Delinquents
Under Nebraska Revised Statutes §43-202(3) -- By District

Table III: Status Offenders Confined in Secure Detention
Or Correctional Facilities By County

Table IV: Status Offenders Confined in Secure Detention
Or Correctional Facilities By District

Table V: Attitudes of 41 Responding Associate County Judges

Table VI: Existing Separate Facilities: The Location and
Capacity of Regular Separate Facilities That Can Provide
Secure Detention For Juveniles Either Alleged To Be Or Found
To Be Delinquent -- Responses By County

Table VII: Existing Secure Separate Facilities By County

Table VIII: Existing Secure Separate Facilities By District

Table IX: Existing Facilities Available For the Non-Secure
Sheltered Housing of Status Offenders

Table X: Existing Shelter Facilities By County

TABLE I: DETENTION FACILITIES USED FOR DELINQUENTS
 UNDER NEBRASKA REVISED STATUTES §43-202(3) — BY COUNTY

County	Non-Separate				Separate			
	1974 ¹	1975 ²	1974 ³	1975 ³	1974 ¹	1975 ²	1974 ³	1975 ³
1. Adams	0	0	0	0	51	50	62	6
2. Antelope	0	0	0	0	3	0	4	0
3. Arthur	0	0	0	0	0	0	0	0
4. Banner	0	0	0	0	0	0	0	0
5. Baline	0	0	0	0	0	0	0	0
6. Boone	0	0	0	0	0	0	0	0
7. Box Butte	0	0	0	0	12	1	15	1
8. Boyd	1	0	1	0	0	0	0	0
9. Brown	4	1	15	3	0	0	0	0
10. Buffalo	0	0	0	0	0	0	12	1
11. Burt	0	0	0	0	0	0	0	0
12. Butler	0	0	0	0	5	1	5	0
13. Cass	0	0	0	0	0	0	6	1
14. Cedar	0	0	0	0	0	0	10	1
15. Chase	0	0	0	0	0	0	0	0
16. Cherry	0	0	0	0	3	0	3	0
17. Cheyenne	0	0	0	0	2	0	4	0
18. Clay	0	0	2	0	2	0	25	2
19. Colfax	0	0	0	0	0	0	0	0
20. Cuming	0	0	0	0	0	0	0	0
21. Custer	0	0	0	0	12	1	15	1
22. Dakota	0	0	0	0	14	1	34	3
23. Dawes	0	0	20	4	0	0	0	0
24. Dawson	0	0	0	0	1	0	5	0
25. Deuel	0	0	0	0	13	1	14	1
26. Dixon	0	0	0	0	2	0	2	0
27. Dodge	0	0	0	0	8	1	9	1
28. Douglas	0	0	0	0	214	22	240	22
29. Dundy	0	0	0	0	0	0	0	0
30. Fillmore	0	0	0	0	0	0	0	0
31. Franklin	0	0	8	1	10	1	10	1
32. Frontier	0	0	0	0	0	0	0	0
33. Furnas	0	0	0	0	8	1	13	1
34. Gage	0	0	0	0	62	7	41	4
35. Garden	0	0	0	0	0	0	1	0
36. Garfield	0	0	0	0	0	0	0	0
37. Gosper	0	0	0	0	0	0	0	0
38. Grant	0	0	0	0	0	0	0	0
39. Greeley	0	0	1	0	0	0	0	0
40. Hall	25	5	5	1	40	4	50	4
41. Hamilton	0	0	0	0	100	10	65	6
42. Harlan	0	0	0	0	3	0	3	0
43. Hayes	0	0	0	0	0	0	0	0
44. Hitchcock	0	0	0	0	0	0	0	0
45. Holt	4	1	4	1	0	0	0	0

County	Non-Separate				Separate			
	1974 ¹ / ₃		Est. 1975 ² / ₃		1974 ¹ / ₃		Est. 1975 ² / ₃	
46. Hooker	0	0	0	0	0	0	0	0
47. Howard	20	4	5	1	10	1	10	1
48. Jefferson	0	0	0	0	32	3	30	3
49. Johnson	0	0	0	0	0	0	1	0
50. Kearney	0	0	0	0	0	0	0	0
51. Keith	10	2	10	2	0	0	0	0
52. Keya Paha	0	0	0	0	0	0	0	0
53. Kimball	0	0	0	0	1	0	2	0
54. Knox	0	0	0	0	3	0	2	0
55. Lancaster	9	2	16	3	107	11	160	14
56. Lincoln	360	74	396	73	0	0		
57. Logan	0	0	0	0	1	0	1	0
58. Loup	0	0	0	0	0	0	0	0
59. McPherson	0	0	0	0	0	0	0	0
60. Madison	0	0	0	0	25	3	25	2
61. Merrick	0	0	0	0	0	0	0	0
62. Morrill	0	0	0	0	0	0	0	0
63. Nance	0	0	0	0	0	0	0	0
64. Nemaha	0	0	0	0	14	1	25	2
65. Nuckolls	0	0	0	0	3	0	2	0
66. Otoe	0	0	0	0	6	1	3	0
67. Pawnee	0	0	0	0	0	0	0	0
68. Perkins	0	0	0	0	0	0	0	0
69. Phelps	0	0	0	0	0	0	0	0
70. Pierce	0	0	0	0	0	0	0	0
71. Platte	12	2	6	1	12	1	6	1
72. Polk	1	0	0	0	1	0	0	0
73. Red Willow	2	0	2	0	0	0	0	0
74. Richardson	2	0	2	0	1	0	2	0
75. Rock	1	0	0	0	0	0	0	0
76. Saline	0	0	0	0	5	1	4	0
77. Sarpy	0	0	0	0	50	5	60	5
78. Saunders	2	0	2	0	0	0	0	0
79. Scotts Bluff	0	0	0	0	102	11	120	11
80. Seward	0	0	0	0	0	0	0	0
81. Sheridan								
82. Sherman	0	0	0	0	0	0	0	0
83. Sioux	0	0	0	0	0	0	0	0
84. Stanton	2	0	2	0	0	0	0	0
85. Thayer	0	0	0	0	0	0	0	0
86. Thomas	0	0	0	0	2	0	2	0
87. Thurston	3	1	3	1	0	0	0	0
88. Valley	0	0	0	0	0	0	0	0
89. Washington	20	4	24	4	0	0	0	0
90. Wayne	0	0	0	0	0	0	0	0
91. Webster	9	2	20	4	0	0	2	0
92. Wheeler	0	0	0	0	0	0	0	0
93. York	0	0	0	0	10	1	10	1

¹Number of delinquents reported held in 1974.

²Estimate of the number of delinquents to be held in 1975.

³Percent of state total.

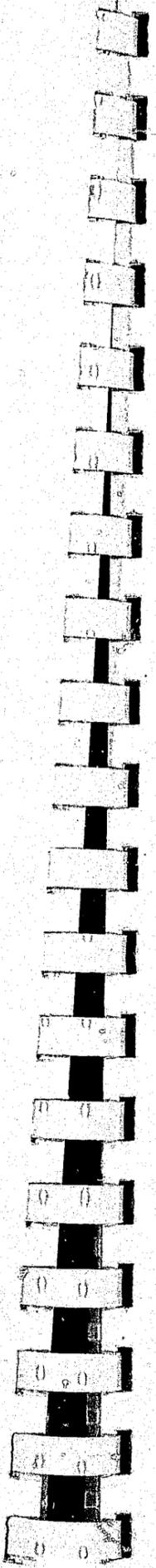


TABLE II: DETENTION FACILITIES USED FOR DELINQUENTS
 UNDER NEBRASKA REVISED STATUTES §43-202(3) -- BY DISTRICT

District	County	Non-Separate				Separate			
		1974	1 ² / ₃	Est. 1975	2 ² / ₃	1974	1 ² / ₃	Est. 1975	2 ² / ₃
1	Johnson	0	0	0	0	0	0	1	0
	Nemaha	0	0	0	0	14	1	25	2
	Pawnee	0	0	0	0	0	0	0	0
	Richardson	2	0	2	0	1	0	2	0
	Total	2	0	2	0	15	1	28	2
2	Cass	0	0	0	0			6	1
	Otoe	0	0	0	0	6	1	3	0
	Sarpy	0	0	0	0	50	5	60	5
	Total	0	0	0	0	56	6	69	6
3	Lancaster	9	2	16	3	107	11	160	14
	Total	9	2	16	3	107	11	160	14
4	Douglas	0	0	0	0	214	22	240	22
	Total	0	0	0	0	214	22	240	22
5	Polk	1	0	0	0	1	0	0	0
	Butler	0	0	0	0	5	1	5	0
	Hamilton	0	0	0	0	100	10	65	6
	Seward	0	0	0	0	0	0	0	0
	Saunders	2	0	2	0	0	0	0	0
	York	0	0	0	0	0	0	0	0
Total	3	0	2	0	106	11	70	6	
6	Burt	0	0	0	0	0	0	0	0
	Dodge	0	0	0	0	8	1	9	1
	Thurston	3	1	3	1	0	0	0	0
	Washington	20	4	24	4	0	0	0	0
	Total	23	5	27	5	8	1	9	1
7	Fillmore					0	0		
	Nuckolls	0	0	0	0	3	0	2	0
	Saline	0	0	0	0	5	1	4	0
	Thayer	0	0	0	0	0	0	0	0
Total	0	0	0	0	8	1	6	0	

District	County	1974			Est. 1975			1974			Est. 1975		
		1	2	3	1	2	3	1	2	3	1	2	3
8	Cedar	0	0	0	0	0	0	0	0	10	1		
	Dakota	0	0	0	0	0	0	14	1	34	3		
	Dixon	0	0	0	0	0	0	2	0	2	0		
	Total	0	0	0	0	0	0	16	1	46	4		
9	Antelope												
	Cuming	0	0	0	0	0	0	3	0	4	0		
	Knox	0	0	0	0	0	0	3	0	2	0		
	Madison	0	0	0	0	0	0	25	3	25	2		
	Pierce	0	0	0	0	0	0	0	0	0	0		
	Stanton	2	0	2	0	0	0	0	0	0	0		
	Wayne	0	0	0	0	0	0	0	0	0	0		
Total	2	0	2	0	0	0	31	3	31	2			
10	Adams	0	0	0	0	0	0	51	5	62	6		
	Clay	0	0	2	0	0	0	2	0	25	2		
	Franklin	0	0	8	1	0	0	10	1	10	1		
	Harlan	0	0	0	0	0	0	3	0	3	0		
	Kearney	0	0	0	0	0	0	0	0	0	0		
	Phelps	0	0	0	0	0	0	0	0	0	0		
	Webster	9	2	20	4	0	0	0	0	0	0		
	Total	9	2	30	5	0	0	66	6	102	9		
11	Hall	25	5	5	1	0	0	40	4	50	4		
	Howard	20	4	5	1	0	0	10	1	10	1		
	Total	45	9	10	2	0	0	50	5	60	5		
12	Buffalo	0	0	0	0	0	0	0	0	12	1		
	Sherman	0	0	0	0	0	0	0	0	0	0		
	Total	0	0	0	0	0	0	0	0	12	0		
13	Arthur	0	0	0	0	0	0	0	0	0	0		
	Dawson	0	0	0	0	0	0	1	0	5	0		
	Grant	0	0	0	0	0	0	0	0	0	0		
	Hooker	0	0	0	0	0	0	0	0	0	0		
	Keith	10	2	10	2	0	0	0	0	0	0		
	Lincoln	360	74	396	73	0	0	0	0	0	0		
	Logan	0	0	0	0	1	0	1	0	1	0		
	McPherson	0	0	0	0	0	0	0	0	0	0		
	Thomas	0	0	0	0	2	0	2	0	2	0		
Total	370	76	406	75	4	0	32	2					

District	County	Non-Separate				Separate			
		1974 ¹ / ₂ ³	Est. 1975 ² / ₂ ³	1974 ¹ / ₂ ³	Est. 1975 ² / ₂ ³	1974 ¹ / ₂ ³	Est. 1975 ² / ₂ ³	1974 ¹ / ₂ ³	Est. 1975 ² / ₂ ³
14	Chase	0	0	0	0	0	0	0	0
	Dundy	0	0	0	0	0	0	0	0
	Frontier	0	0	0	0	0	0	0	0
	Furnas	0	0	0	0	8	1	13	1
	Gosper	0	0	0	0	0	0	0	0
	Hayes	0	0	0	0	0	0	0	0
	Hitchcock	0	0	0	0	0	0	0	0
	Perkins	0	0	0	0	0	0	0	0
	Red Willow	2	0	2	0	0	0	0	0
Total	2	0	2	0	8	1	13	1	
15	Boyd	1	0	1	0	0	0	0	0
	Brown	4	1	15	3	0	0	0	0
	Cherry	0	0	0	0	3	0	3	0
	Holt	4	1	4	1	0	0	0	0
	Keya Paha	0	0	0	0	0	0	0	0
	Rock	1	0	0	0	0	0	0	0
	Total	10	2	20	4	3	0	3	0
16	Box Butte	0	0	0	0	12	1	15	1
	Dawes			20	4				
	Sheridan								
	Sioux	0	0	0	0	0	0	0	0
Total	0	0	20	4	12	1	15	1	
17	Garden	0	0	0	0	0	0	1	0
	Morrill	0	0	0	0	0	0	0	0
	Scotts Bluff	0	0	0	0	102	11	123	11
Total	0	0	0	0	102	11	123	11	
18	Gage	0	0	0	0	62	7	41	4
	Jefferson	0	0	0	0	32	3	30	3
	Total	0	0	0	0	94	10	71	7
19	Banner	0	0						
	Cheyenne	0	0	0	0	2	0	4	0
	Deuel	0	0	0	0	13	1	14	1
	Kimball	0	0	0	0	1	0	2	0
Total	0	0	0	0	16	1	20	1	

District	County	Non-Separate				Separate			
		1974 ¹	³	Est. 1975 ²	³	1974 ¹	³	Est. 1975 ²	³
20	Loup	0	0	0	0	0	0	0	0
	Blaine	0	0	0	0	0	0	0	0
	Custer	0	0	0	0	12	1	15	1
	Garfield	0	0	0	0	0	0	0	0
	Greeley	0	0	1	0	0	0	0	0
	Valley	0	0	0	0	0	0	0	0
	Wheeler	0	0	0	0	0	0	0	0
	Total	0	0	1	0	12	1	15	1
21	Boone	0	0	0	0	0	0	0	0
	Colfax	0	0	0	0	0	0	0	0
	Merrick	0	0	0	0	0	0	0	0
	Nance	0	0	0	0	0	0	0	0
	Platte	12	2	6	1	12	1	6	1
	Total	12	2	6	1	12	1	6	1

¹ Number of status offender reported held in secure detention during 1974.
² Estimate of the number of status offenders to be held in secure detention during 1975.
³ Percent of state total.

TABLE III: STATUS OFFENDERS CONFINED IN SECURE DETENTION OR
CORRECTIONAL FACILITIES BY COUNTY

County	1974 ¹	% ³	1975 ²	% ³
1. Adams	36	5	20	2
2. Antelope	0	0	2	0
3. Arthur	0	0	0	0
4. Banner				
5. Blaine	0	0	0	0
6. Boone	0	0	1	0
7. Box Butte	3	0	6	1
8. Boyd	0	0	0	0
9. Brown	3	0	10	1
10. Buffalo	8	1	10	1
11. Burt	1	0	10	1
12. Butler	0	0	0	0
13. Cass			15	2
14. Cedar	0	0	0	0
15. Chase	1	0	1	0
16. Cherry	0	0	0	0
17. Cheyenne	0	0	0	0
18. Clay	0	0	4	0
19. Colfax	0	0	0	0
20. Cuming	0	0	0	0
21. Custer	1	0	1	0
22. Dakota	6	1	16	2
23. Dawes				
24. Dawson	0	0	0	0
25. Deuel	20	3	30	3
26. Dixon	0	0	0	0
27. Dodge	16	2	18	2
28. Douglas	114	15	135	15
29. Dundy	0	0	0	0
30. Fillmore			2	0
31. Franklin	3	0	1	0
32. Frontier	0	0	0	0
33. Furnas	4	1	4	0
34. Gage	8	1	4	0
35. Garden	1	0	0	0
36. Garfield	0	0	0	0
37. Gosper	0	0	0	0
38. Grant	0	0	0	0
39. Greeley	1	0	2	0
40. Hall	20	3	25	3
41. Hamilton	0	0	0	0
42. Harlan	2	0	2	0
43. Hayes	0	0	0	0
44. Hitchcock	6	1	6	1
45. Holt	0	0	0	0

County	1974 ¹	% ³	1975 ²	% ³
46. Hooker	0	0	0	0
47. Howard	2	0	3	0
48. Jefferson	8	1	4	0
49. Johnson	0	0	1	0
50. Kearney	10	1	12	1
51. Keith	0	0	0	0
52. Keya Paha	0	0	0	0
53. Kimball	0	0	0	0
54. Knox	2	0	2	0
55. Lancaster	175	23	150	17
56. Lincoln	126	16	138	16
57. Logan	0	0	0	0
58. Loup	0	0	0	0
59. McPherson	0	0	0	0
60. Madison	5	1	6	1
61. Merrick	0	0	0	0
62. Morrill	0	0	0	0
63. Nance	0	0	0	0
64. Nemaha	5	1	20	2
65. Nuckolls	0	0	1	0
66. Otoe	0	0	0	0
67. Pawnee	0	0	0	0
68. Perkins	0	0	0	0
69. Phelps	7	1	5	1
70. Pierce	0	0	0	0
71. Platte	0	0	0	0
72. Polk	1	0	0	0
73. Red Willow	0	0	0	0
74. Richardson	0	0	2	0
75. Rock	0	0	0	0
76. Saline	2	0	0	0
77. Sarpy			10	1
78. Saunders	1	0	1	0
79. Scotts Bluff	152	20	180	20
80. Seward	0	0	0	0
81. Sheridan				
82. Sherman	0	0	0	0
83. Sioux	1	0	2	0
84. Stanton	0	0	0	0
85. Thayer	0	0	0	0
86. Thomsa	0	0	0	0
87. Thurston	0	0	0	0
88. Valley	0	0	0	0
89. Washington	5	1	10	1
90. Wayne	0	0	0	0
91. Webster	2	0	2	0
92. Wheeler	0	0	0	0
93. York	6	1	10	1

- ¹ Number of status offender reported held in secure detention during 1974.
² Estimate of the number of status offenders to be held in secure detention during 1975.
³ Percent of state total.

TABLE IV: STATUS OFFENDERS CONFINED IN SECURE DETENTION OR
CORRECTIONAL FACILITIES-BY DISTRICT

District	County	1974 ¹	% ³	1975 ²	% ³
1	Johnson	0	0	0	0
	Nemaha	5	1	20	2
	Pawnee	0	0	0	0
	Richardson	0	0	2	0
	Total	5	1	23	2
2	Cass			15	2
	Otoe	0	0	0	0
	Sarpy			10	1
Total	0	0	25	3	
3	Lancaster	175	.23	150	17
	Total	175	23	150	17
4	Douglas	114	15	135	15
	Total	114	15	135	15
5	Polk	1	0	0	0
	Butler	0	0	0	0
	Hamilton	0	0	0	0
	Seward	0	0	0	0
	Saunders	1	0	1	0
	York	6	1	10	1
Total	8	1	11	1	
6	Burt	1	0	10	1
	Dodge	16	2	18	2
	Thurston	0	0	0	0
	Washington	5	1	10	1
	Total	22	3	38	4
7	Fillmore			2	0
	Nuckolls	0	0	0	0
	Saline	2	0	0	0
	Thayer	0	0	0	0
Total	2	0	3	0	

District	County	1974 ¹	% ³⁻	1975 ²	% ³
8	Cedar	0	9	9	9
	Dakota	6	1	16	2
	Dixon	0	0	0	0
	Total	6	1	16	2
9	Antelope	0	0	2	0
	Cuming	0	0	0	0
	Knox	2	0	2	0
	Madison	5	1	6	1
	Pierce	0	0	0	0
	Stanton	0	0	0	0
	Wayne	0	0	0	0
Total	7	1	10	1	
10	Adams	36	5	20	2
	Clay	0	0	4	0
	Franklin	3	0	1	0
	Harlan	2	0	2	0
	Kearney	10	1	12	1
	Phelps	7	1	5	1
	Webster	2	0	2	0
Total	60	7	46	4	
11	Hall	20	3	25	3
	Howard	2	0	3	0
	Total	22	3	28	3
12	Buffalo	8	1	10	1
	Sherman	0	0	0	0
	Total	8	1	10	1
13	Arthur	0	0	0	0
	Dawson	0	0	0	0
	Grant	0	0	0	0
	Hooker	0	0	0	0
	Keith	0	0	0	0
	Lincoln	126	16	138	16
	Logan	0	0	0	0
	McPherson	0	0	0	0
Thomas	0	0	0	0	
Total	126	16	138	16	

District	County	1974 ¹	% ³	1975 ²	% ³
14	Chase	1	0	1	0
	Dundy	0	0	0	0
	Frontier	0	0	0	0
	Furnas	4	1	4	0
	Gosper	0	0	0	0
	Hayes	0	0	0	0
	Hitchcock	6	1	6	1
	Perkins	0	0	0	0
	Red Willow	0	0	0	0
	Total	11	2	11	1
15	Boyd	0	0	0	0
	Brown	3	0	10	1
	Cherry	0	0	0	0
	Holt	0	0	0	0
	Keya Paha	0	0	0	0
	Rock	0	0	0	0
	Total	3	0	10	1
16	Box Butte	3	0	6	1
	Dawes				
	Sheridan				
	Sioux	1	0	2	0
	Total	4	0	8	1
17	Garden	1	0	0	0
	Morrill	0	0	0	0
	Scotts Bluff	152	20	180	20
	Total	153	20	180	20
18	Gage	8	1	4	0
	Jefferson	8	1	4	0
	Total	16	2	8	0
19	Banner				
	Cheyenne	0	0	0	0
	Deuel	20	3	30	3
	Kimball	0	0	0	0
	Total	20	3	30	3

<u>District</u>	<u>County</u>	<u>1974</u> ¹	<u>%</u> ³	<u>1975</u> ²	<u>%</u> ³
20	Loup	0	0	0	0
	Blaine	0	0	0	0
	Custer	1	0	1	0
	Garfield	0	0	0	0
	Greeley	1	0	2	0
	Valley	0	0	0	0
	Wheeler	0	0	0	0
	Total	2	0	3	0
21	Boone	0	0	1	0
	Colfax	0	0	0	0
	Merrick	0	0	0	0
	Nance	0	0	0	0
	Platte	0	0	0	0
	Total	0	0	1	0

- 1 Number of status offender reported in secure detention during 1974.
 2 Estimate of the number of status offenders to be held in secure detention during 1975.
 3 Percent of state total.

TABLE V: ATTITUDES OF 41 RESPONDING ASSOCIATE COUNTY JUDGES

1. Status offenders should be placed in secure detention.

SA	A	N	D	SD	NR
(4, 9.8%)	(5, 12.2%)	(4, 9.8%)	(15, 36.6%)	(2, 4.9%)	(11, 26.8%)
Mean		<u>3.20</u>	SD		<u>1.2</u>

2. Status offenders commit acts which are harmful to society.

SA	A	N	D	SD	NR
(3, 7.3%)	(9, 22%)	(5, 12.2%)	(10, 24.4%)	(3, 7.3%)	(11, 26.8%)
Mean		<u>3.03</u>	SD		<u>1.2</u>

3. Sheltered facilities will make it too easy on status offenders.

SA	A	N	D	SD	NR
(2, 4.9%)	(2, 4.9%)	(7, 17.1%)	(13, 31.7%)	(6, 14.6%)	(11, 26.8%)
Mean		<u>3.63</u>	SD		<u>1.1</u>

4. Status offenders should not be brought before a court.

SA	A	N	D	SD	NR
(1, 2.4%)	(5, 12.2%)	(2, 4.9%)	(17, 41.5%)	(5, 12.2%)	(11, 26.8%)
Mean		<u>3.67</u>	SD		<u>1.1</u>

5. Status offenders should be handled by community agencies.

SA	A	N	D	SD	NR
(2, 4.9%)	(10, 24.4%)	(3, 7.3%)	(11, 26.8%)	(4, 9.8%)	(11, 26.8%)
Mean		<u>3.17</u>	SD		<u>1.2</u>

6. Status offenders should be vigorously ignored by law enforcement and the courts.

SA	A	N	D	SD	NR
(1, 2.4%)	(1, 2.4%)	(17, 41.5%)	(12, 29.3%)	(10, 24.4%)	(10, 24.4%)
Mean		<u>4.23</u>	SD		<u>.9</u>

7. The laws concerning status offenders should be repealed.

SA	A	N	D	SD	NR
(1, 2.4%)	(4, 9.8%)	(9, 22%)	(12, 29.3%)	(5, 12.2%)	(10, 24.4%)
Mean		<u>3.5</u>	SD		<u>1.0</u>

8. Nebraska should not participate in the "Juvenile Justice and Delinquency Prevention Act of 1974".

SA	A	N	D	SD	NR
(1, 2.4%)	(2, 4.9%)	(7, 17.1%)	(16, 39%)	(5, 12.2%)	(10, 24.4%)
Mean		<u>3.71</u>	SD		<u>.9</u>

TABLE VI: EXISTING SEPARATE FACILITIES : THE LOCATION AND CAPACITY OF
REGULAR SEPARATE FACILITIES THAT CAN PROVIDE SECURE DETENTION
FOR JUVENILES EITHER ALLEGED TO BE OR FOUND TO BE DELINQUENT

RESPONSES BY COUNTY

<u>County Number</u>	<u>County Name</u>	<u>Facility name, location and capacity</u>
01	Adams	One juvenile cell in county jail, detain overnight in Geneva YDC
02	Antelope	NONE
03	Arthur	NONE
04	Banner	NONE (if any cases, sent to Scotts Bluff county)
05	Blaine	NONE (all sent to Broken Bow)
06	Boone	Merrick county jail, Central City, 6 Validation revealed that a building is being constructed with separate facilities
07	Box Butte	NONE (Scotts Bluff county jail, Gering, 10)
08	Boyd	NONE
09	Brown	NONE
10	Buffalo	Youth Development Centers, Geneva and Kearney
11	Burt	NONE (send to Thurston, Dodge, Washington counties; Burt county jail is condemned)
12	Butler	County jail, David City, 4
13	Cass	Douglas County Youth Center, Omaha
14	Cedar	Cedar county jail, Hartington, 6
15	Chase	NONE (return to parents)
16	Cherry	NONE
17	Cheyenne	Cheyenne county jail, Cheyenne, 4
18	Clay	County jail, 6
19	Colfax	Colfax county jail, the courthouse, 2-3
20	Cuming	NONE
21	Custer	New county jail in City-County Building, Broken Bow, for all prisoners, 16
22	Dakota	Dakota county jail, Dakota City, 12 men, 6 women
23	Dawes	Sheridan county jail, Rushville, 2; or to Scotts Bluff if necessary
24	Dawson	NONE
25	Deuel	County jail, 2 separate cells for juveniles, 1
26	Dixon	County jail in the courthouse, Ponca, 3, women's section
27	Dodge	Dodge county jail, Fremont, 2; or can use a women's cell also if no women adult prisoners; also send to Kearney or Geneva
28	Douglas	Douglas County Youth Center
29	Dundy	NONE
30	Fillmore	When ladies jail not in use, it is used for juveniles -- Also send to Aurora, 5th Dist., Saline county and Clay, 10th Dist.
31	Franklin	Franklin county jail, courthouse, Franklin, 4
32	Frontier	County jail, Curtiss
33	Furnas	Furnas county jail, Beaver City, 2 -- 1 cell for females or juveniles, separated from the other facilities by a wall

<u>County Number</u>	<u>County Name</u>	<u>Facility name, location and capacity</u>
34	Gage	Gage county jail in process of building - presently separate rooms for juveniles
35	Garden	Beatrice City jail County jail, one room, two beds, Garden County Oshkosh City
36	Garfield	NONE
37	Gosper	NONE
38	Grant	NONE
39	Greeley	NONE
40	Hall	Hall county jail, Grand Island, 5 females, 6 males Validation: No--we have no facilities for juveniles, handled by Children's Village; if charged with crime they are incarcerated at the county jail in separate cells, 4 males, 4 females
41	Hamilton	Hamilton county jail, Aurora, 6--juvenile wing, new facility
42	Harlan	NONE
43	Hayes	NONE
44	Hitchcock	County jail, Cutt, 2
45	Holt	Holt county jail, O'Neill, 3, in the separate women's cell--juveniles may be placed with adults if there are women offenders in the cellblock
46	Hooker	NONE
47	Howard	Hall county jail, Grand Island, 5 females, 6 males
48	Jefferson	City jail in the courthouse, 2
49	Johnson	NONE
50	Kearney	NONE
51	Keith	NONE
52	Keya Paha	NONE (send to Ainsworth, Nebraska)
53	Kimball	Scotts Bluff County Detention, Gering,
54	Knox	NONE
55	Lancaster	City-County jail, 555 So. 10th, Lincoln, 8 Detention Home, Rt. #5, Lincoln, 10 Jennie B. Harrel Attention Center for Youth 2210 So. 10th, 19
56	Lincoln	NONE
57	Logan	NONE
58	Loup	All sent to Broken Bow
59	McPherson	NONE (handled by Lincoln county)
60	Madison	NONE (would use Geneva or Kearney)
61	Merrick	Merrick county jail, Central City, 6, one cell for juveniles and only adult contact possible is by yelling to the adult offenders down the hall
62	Morrill	Juveniles kept in women's jail, but if women detained, sent to Gering

<u>County Number</u>	<u>County Name</u>	<u>Facility name, location and capacity</u>
63	Nance	Merrick county jail, Central City, 6
64	Nemaha	Nemaha county jail, Auburn, 4
65	Nuckolls	NONE
66	Otoe	Otoe county jail, Nebraska City, 4 Validation: 1 cell is separated from the regular cellblock, capacity-2 persons NONE (would put in county jail provided there are no adults in the jail)
67	Pawnee	Perkins county jail, women and juveniles, Grant, 1-2
68	Perkins	NONE
69	Phelps	NONE
70	Pierce	NONE
71	Platte	One separate cell, new facility is being built and will have separate facilities for juveniles; it will be (hopefully) finished in one year
72	Polk	NONE
73	Red Willow	NONE
74	Richardson	Richardson county jail, Falls City, 4 juveniles put on a separate floor
75	Rock	Rock county jail, women's section; if both women and juveniles, women are transferred
76	Saline	NONE
77	Sarpy	Douglas County Youth Center, Omaha
78	Saunders	NONE
79	Scotts Bluff	County jail, complete floor
80	Seward	NONE
81	Sheridan	Sheridan county jail, Rushville, 2
82	Sherman	Youth Development Centers, Kearney and Geneva
83	Sioux	Sheridan county jail, Rushville, 2
84	Stanton	NONE
85	Thayer	NONE
86	Thomas	NONE
87	Thurston	Thurston county jail, Pender, 2 boys, juvenile cell
88	Valley	NONE
89	Washington	NONE
90	Wayne	NONE
91	Webster	Boys-Kearney Youth Development Center Girls-Geneva Youth Development Center
92	Wheeler	NONE
93	York	Hamilton county jail, Aurora

TABLE VII: EXISTING SECURE SEPARATE FACILITIES BY COUNTY

County Number	County Name	County or City Jail	Women's Facilities in County Jail	Send to Another County Jail	Youth Centers at Kearney and Geneva	Scotts Bluff County Detention Center at Gering	Douglas, Lancaster County Youth Centers	None
01	Adams	X			X			
02	Antelope							X
03	Arthur							X
04	Banner					X		
05	Blaine			X				
06	Boone			X				
07	Box Butte			X				
08	Boyd							X
09	Brown							X
10	Buffalo				X			
11	Burt			X				
12	Butler	X						
13	Cass						X	
14	Cedar	X						
15	Chase							X
16	Cherry							X
17	Cheyenne	X						
18	Clay	X						
19	Colfax	X						
20	Cuming							X
21	Custer	X						
22	Dakota	X						
23	Dawes			X		X		
24	Dawson							X
25	Deuel	X						
26	Dixon		X					
27	Dodge	X	X			X		
28	Douglas						X	
29	Dundy							X
30	Fillmore		X	X				
31	Franklin	X						
32	Frontier	X						
33	Furnas		X					
34	Gage	X						
35	Garden	X						
36	Garfield							X
37	Gosper							X
38	Grant							X
39	Greeley							X
40	Hall	X						
41	Hamilton	X						
42	Harlan							X
43	Hayes							X
44	Hitchcock	X						
45	Holt		X					
46	Hooker							X

County Number	County Name	County or City Jail	Women's Facilities in County Jail	Send to Another County Jail	Youth Centers at Kearney and Geneva	Scotts Bluff County Detention Center at Gering	Douglas, Lancaster County Youth Centers	None
47	Howard			X				
48	Jefferson	X						
49	Johnson							X
50	Kearney							X
51	Keith							X
52	Keya Paha			X				
53	Kimball					X		
54	Knox							X
55	Lancaster	X					X	
56	Lincoln							X
57	Logan							X
58	Loup			X				
59	McPherson			X				
60	Madison				X			
61	Merrick	X						
62	Morrill		X			X		
63	Nance			X				
64	Nemaha	X						
65	Nuckolls							X
66	Otoe	X						
67	Pawnee	X						
68	Perkins	X						
69	Phelps							X
70	Pierce							X
71	Platte	X						
72	Polk							X
73	Red Willow							X
74	Richardson	X						
75	Rock		X					
76	Saline							X
77	Sarpy						X	
78	Saunders							X
79	Scotts Bluff	X						
80	Seward							X
81	Sheridan	X						
82	Sherman				X			
83	Sioux			X				
84	Stanton							X
85	Thayer							X
86	Thomas							X
87	Thurston	X						
88	Valley							X
89	Washington							X
90	Wayne							X
91	Webster				X			
92	Wheeler							X
93	York			X				
Total:		29	7	13	6	4	4	37

TABLE VIII: EXISTING SECURE SEPARATE FACILITIES BY DISTRICT

District Number	Counties in District	County or City Jail	Women's Facilities in County Jail	Send to Another County Jail	Youth Centers at Kearney and Geneva	Scotts Bluff County Detention Center at Gering	Douglas, Lancaster County Youth Centers	None
1	Johnson Nemaha Pawnee Richardson	X X X						X
2	Cass Otoe Sarpy	X					X X	
3	Lancaster	X					X	
4	Douglas						X	
5	Butler Hamilton Polk Saunders Seward York	X X			X			X X X
6	Burt Dodge Thurston Washington	X X	X	X		X		X
7	Fillmore Nuckolls Saline Thayer		X	X				X X X
8	Cedar Dakota Dixon	X X		X				
9	Antelope Cuming Knox Madison Pierce Stanton Wayne					X		X X X X X X

District Number	Counties in District	County or City Jail	Women's Facilities in County Jail	Send to Another County Jail	Youth Centers at Kearney and Geneva	Scotts Bluff County Detention Center at Gering	Douglas, Lancaster County Youth Centers	None
10	Adams	X			X			
	Clay	X						X
	Franklin	X						X
	Harlan							X
	Kearney							
	Phelps Webster					X		
11	Hall	X						
	Howard			X				
12	Buffalo				X			
	Sherman				X			
13	Arthur							X
	Dawson							X
	Grant							X
	Hooker							X
	Keith							X
	Lincoln							X
	Logan							X
	McPherson Thomas				X			X
14	Chase							X
	Dundy							X
	Frontier	X						
	Furnas		X					
	Gosper							X
	Hayes							X
	Hitchcock Perkins Red Willow	X X						X
15	Boyd							X
	Brown							X
	Cherry							X
	Holt			X				
	Keya Paha Rock			X	X			
16	Box Butte				X			
	Dawes				X			
	Sheridan Sioux	X			X	X		

District Number	Counties in District	County or City Jail	Women's Facilities in County Jail	Send to Another County Jail	Youth Centers at Kearney and Geneva	Scotts Bluff County Detention Center at Gering	Douglas, Lancaster County Youth Centers	None
17	Garden Morrill Scotts Bluff	X X	X					
18	Gage Jefferson	X X						
19	Banner Cheyenne Deuel Kimball	X X				X X		
20	Blaine Custer Garfield Greeley Loup Wheeler Valley	X		X X				X X X X
21	Boone Colfax Merrick Nance Platte	X X X		X X				
	Totals	29	7	13	6	3	4	38

TABLE IX: EXISTING FACILITIES AVAILABLE FOR THE NON-SECURE,
SHELTERED HOUSING OF STATUS OFFENDERS

<u>County Number</u>	<u>County Name</u>	<u>Name, Location, Description, Capacity, Funding Source and Cost to County</u>
01	Adams	NONE (Campus House Incorporated, Kearney, girls group home, 10 Crime Commission and project income, \$350 per month per child
02	Antelope	NONE
03	Arthur	Don't have any outside of contracting with Keith County
04	Banner	NONE
05	Blaine	Foster homes
06	Boone	Foster homes and farm homes, capacity-2, funded by county
07	Box Butte	NONE
08	Boyd	Send them home
09	Brown	Foster home, funded by county
10	Buffalo	Campus house, Kearney, group home for girls, 10, Crime Commission, funded by county and state, Foster homes Old nurses' facilities from Tuberculosis Hospital
11	Burt	NONE
12	Butler	Foster homes, \$100 per month per child
13	Cass	Foster home, funded by county
14	Cedar	NONE
15	Chase	NONE
16	Cherry	NONE
17	Cheyenne	Foster homes
18	Clay	Foster homes
19	Colfax	NONE
20	Cuming	NONE
21	Custer	Foster homes, funded by county
22	Dakota	NONE
23	Dawes	Foster homes, funded by county
24	Dawson	Foster homes, funded by county, \$3.50 per day
25	Deuel	Foster homes
26	Dixon	NONE
27	Dodge	Foster homes, 5, funded by county
28	Douglas	See Douglas County list
29	Dundy	NONE
30	Fillmore	NONE
31	Franklin	NONE (Campus House, Kearney)
32	Frontier	NONE
33	Furnas	NONE
34	Gage	Foster homes, funded by county
35	Garden	NONE

<u>County Number</u>	<u>County Name</u>	<u>Name, Location, Description, Capacity, Funding Source and Cost to County</u>
36	Garfield	NONE
37	Gosper	NONE
38	Grant	NONE
39	Greeley	NONE
40	Hall	Foster homes: Children's Village, Grand Island, a large house with dormitory facilities for males and females, capacity-20, funded by Hall County Board, \$25,000 a year
41	Hamilton	Grace Children's Home, Henderson, 4 separate cottages, capacity-28, \$250 per month per child, funded by county
42	Harlan	Foster homes
43	Hayes	NONE
44	Hitchcock	NONE
45	Holt	Foster homes
46	Hooker	Foster homes, Mullen, 3 or 4, funded by county
47	Howard	Foster homes
48	Jefferson	Foster homes, funded by county
49	Johnson	NONE (Send them home)
49	Kearney	Foster homes, Minden, federal, state and county funds
51	Keith	Foster homes
52	Keya Paha	NONE
53	Kimball	NONE
54	Knox	NONE
55	Lancaster	Lancaster Freeway Station, 2201 S. 11th, Lincoln, group care (adolescent, 10 LEAA, city/county funding, \$4 per day) Cedars Home for Children, 6401 Pineair Blvd., Lincoln, long and short term care, capacity-18, private funding Foster homes, \$125 per month
56	Lincoln	NONE
57	Logan	Foster homes, funded by county, \$2.50 per day
58	Loup	Foster homes
59	McPherson	NONE
60	Madison	NONE
61	Merrick	Foster homes, farm homes, capacity-2, funded by county
62	Morrill	Turn back to parents or foster homes
63	Nance	Foster homes, farm homes, capacity-2, funded by county
64	Nemaha	Group home, Auburn, live-in counselors, house parents, 8 boys, no room for girls, state funded, cost unknown
65	Nuckolls	NONE

<u>County Number</u>	<u>County Name</u>	<u>Name, Location, Description, Capacity, Funding Source and Cost to County</u>
66	Otoe	NONE
67	Pawnee	NONE
68	Perkins	NONE
69	Phelps	Foster homes
70	Pierce	NONE
71	Platte	Group home, females only, Columbus, welfare funding, house, 2-story, residential area, capacity-7
72	Polk	NONE
73	Red Willow	NONE
74	Richardson	Foster homes; in or near Falls City, 1 per home, funded by county, \$15 per day
75	Rock	NONE
76	Saline	NONE
77	Sarpy	Foster homes, county funded
78	Saunders	NONE
79	Scotts Bluff	Foster homes, local area, 1 per home, ADC or county funds, \$145 per month
80	Seward	Foster homes, capacity-6, county or welfare funds
81	Sheridan	Foster homes, funded by county or welfare
82	Sherman	NONE
83	Sioux	Foster homes, funded by county or welfare
84	Stanton	NONE (Use Kearney or Geneva)
85	Thayer	NONE (School faculty members sometimes volunteer to house youth)
86	Thomas	Foster homes, funded by county, \$3.50 per day
87	Thurston	Group home, Winnebago, Macey, beginning construction, capacity-18, federal grant
88	Valley	NONE
89	Washington	NONE
90	Wayne	NONE
91	Webster	NONE
92	Wheeler	NONE
93	York	NONE

TABLE X: EXISTING SHELTER FACILITIES BY COUNTY

County Number	County Name	Foster Homes	Parents	A*	B	C	D	E	F	None
01	Adams			X						
02	Antelope									X
03	Arthur									X
04	Banner									X
05	Blaine	X								
06	Boone	X								
07	Box Butte									
08	Boyd		X							X
09	Brown	X								
10	Buffalo	X		X						
11	Burt									X
12	Butler	X								
13	Cass	X								
14	Cedar									X
15	Chase									X
16	Cherry									X
17	Cheyenne	X								
18	Clay	X								
19	Colfax									X
20	Cuming									X
21	Custer	X								
22	Dakota									X
23	Dawes	X								
24	Dawson	X								
25	Deuel	X								
26	Dixon									X
27	Dodge	X								
28	Douglas-	see attached page								
29	Dundy									X
30	Fillmore									X
31	Franklin			X						
32	Frontier									X
33	Furnas									X
34	Gage	X								
35	Garden									X
36	Garfield									X
37	Gosper									X
38	Grant									X
39	Greeley									X
40	Hall	X			X					
41	Hamilton					X				
42	Harlan	X								
43	Hayes									X
44	Hitchcock									X
45	Holt	X								

* Regional Facilities: A - Campus House, Kearney
 B - Children's Village, Grand Island
 C - Grace Children's Home, Henderson
 D - Group Home, Auburn
 E - Girl's Group Home, Columbus
 F - Group Home, Winnebago

County Number	County Name	Foster Home	Parents	A	B	C	D	E	F	None
46	Hooker	X								
47	Howard	X								
48	Jefferson	X								
49	Johnson		X							
50	Kearney	X								
51	Keith	X								
52	Keya Paha									X
53	Kimball									X
54	Knox									X
55	Lancaster**	X								
56	Lincoln									X
57	Logan	X								
58	Loup	X								
59	McPherson									X
60	Madison									X
61	Merrick	X								
62	Morrill	X	X							
63	Nance	X								
64	Nemaha						X			
65	Nuckolls									X
66	Otoe									X
67	Pawnee									X
68	Perkins									X
69	Phelps	X								
70	Pierce									X
71	Platte							X		
72	Polk									X
73	Red Willow									X
74	Richardson	X								X
75	Rock									X
76	Saline									X
77	Sarpy	X								
78	Saunders									X
79	Scotts Bluff	X								
80	Seward	X								
81	Sheridan	X								
82	Sherman									X
83	Sioux	X								
84	Stanton			X						
85	Thayer									X
86	Thomas	X								
87	Thurston								X	
88	Valley									X
89	Washington									X
90	Wayne									X
91	Webster									X
92	Wheeler									X
93	York									X
Totals		36	3	4	1	1	1	1	1	49

**Lancaster Freeway Station, Cedar's Home for Children

APPENDIX C
INSTITUTE BACKGROUND AND ORGANIZATION

Description of the Institute

Vitae

INSTITUTE BACKGROUND AND ORGANIZATION

The Creighton Institute for Business, Law and Social Research has been established to create, propose, administer, and carry out research, evaluations, demonstration projects, consulting services, and other projects and programs of research or education in the areas of law, business and social science disciplines.

Three specific purposes are served by the programs initiated through the Institute. These purposes are:

A. To encourage research into business, legal and applied social science topics. The Institute provides a focal point for research activities by designing its programming to facilitate the University community's sharing of interests, ideas, methodologies, equipment, discoveries, and theories related to research into applied problems.

B. To serve the business and marketing, legal, and socio-political community with education and research. It is of fundamental importance for a University Institute studying applied problems to maintain strong and productive ties with the non-academic community. The University is an important institution in our society and must recognize the unique contribution it can make to that society as a result of its intense concentration of intellectual, moral, and informed individuals. Thus, the Institute maintains close ties with the business community, bench and bar, and social services and governmental agencies.

C. To add to the education and experience of students. In this regard, education is viewed broadly to include direct and indirect learning and experiential opportunities for undergraduates and graduates. Insofar as is possible, all programs proposed in the Institute include the participation of students either as direct project participants or recipients, or as research or administrative aides.

The Institute is administered by a Director who, in this capacity serves directly under the Vice President for Academic Affairs, as well as being a member of the Faculty of the School of Law. Programs of the Institute are coordinated by the Academic Vice President in concert with the Dean of the appropriate School or College where personnel or the subject matters are related to that School or College. The Institute encourages research, programs, and projects which further the mission of Creighton University and, especially but not exclusively, promotes the utilization of the resources of those Schools and Colleges which are within the administrative supervision of the Academic Vice President.

Final authority to commit the Institute on operational fiscal or policy matters lies with the Director of the Institute who reports in all such matters to the Vice President for Academic Affairs. Coordination with various University departments and offices is the responsibility of the Director of the Institute.

The Institute is currently separated into three divisions, each of which is headed by its own director. These divisions are: the division of legal programs, the division of business programs, and the division of administration which is directed by the Assistant Director of the Institute. Proposals or programs are coordinated amongst these division directors to insure full interdisciplinary coordination and input on every Institute project.

While the Institute was just recently created to perform the functions stated above, it has been in the planning stages for quite some time. Part of the rationale for the formation of the Institute comes from the University's belief in the need for an interdisciplinary research capacity in the performance of many research and demonstration projects. Thus the Institute includes professionals with legal, business, and social science backgrounds who have been working together since 1973 conducting research and operating demonstration programs.

Examples of this prior work include the operation and evaluation of the Creighton Legal Information Center under a grant from the Law Enforcement Assistance Administration, Office of National Priority Programs. This project is unique and therefore was heavily evaluated in its first phase. A final report including the extensive evaluation results is available from the Institute.

The Institute staff has also conducted a major study of the eastern Nebraska mental health commitment process under a research grant from the National Institute of Mental Health. This research involved two law professors, one business professor, and one political science professor as investigators; and one clinical psychologist, one psychiatrist, and a nurse as consultants. Thus one can see the richness of the interdisciplinary work the Institute has undertaken prior to its formal organization.

The Institute staff is involved in teaching as well as research, and the Institute Director has been involved in training law students to appreciate, utilize and conduct empirical research. A special edition of the Creighton Law Review was recently published which contains samples of these students' work over the past three years. The Director of Business Programs is currently completing plans to establish an Omaha-based Management Assessment Center which will employ, in addition to professional staff, graduate business students who will also receive academic credit for their work in assessing company executives and managerial employees.

Most importantly, the Institute brings together a number of well qualified individuals from different disciplines who, through their collective abilities, can insure that thorough, quality, and unique research will be conducted on every project which the Institute conducts.

GEOFFREY W. PETERS

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PERSONAL

Age: 30
Family: Married, one child

EDUCATION

LAW: Juris Doctor Degree; University of Denver, Class Rank - Fourth, March 1972.
GRADUATE: Master of Arts Degree in Sociology; University of Denver, June 1974. Thesis: *Applying Systems Analysis to Criminal Justice Systems.*
UNDERGRADUATE: Bachelor of Arts Degree in Political Science; Northwestern University, June 1967.

SPECIAL TRAINING PROGRAMS

Criminal Law Education and Research Institute for Criminal Law Professors, July - August, 1973, New York University School of Law. Topic for Institute was *Multi-Disciplinary Approaches to Drug Abuse Education.*
American Federation of Information Processing Societies and Stanford Law School Joint Conference: *Computers, Society and Law*, June 1973.
National Science Foundation Fellow, *Social Science Methods in Legal Education Institute*, July - August 1972, University of Denver, Denver, Colorado.

PROFESSIONAL EMPLOYMENT

Associate Professor of Law, Creighton University School of Law, July 1975 to present.
Director, Creighton Institute for Business, Legal and Social Research, July 1975 to present.
Assistant Professor of Law, Creighton University School of Law, July 1972 to July 1975.
Attorney at Law, private practice, Denver, Colorado, April 1972 to October 1972.
Military: United States Army, January 1969 to September 1970. Legal clerk of Provost Marshal, West Point, New York. Prepared materials and taught Military Law, U.C.M.J., Criminal Law and Procedure to military policemen and Provost Marshal Officers. Received Army Commendation Medal for work prosecuting misdemeanor cases in the United States Commissioner's Court, Southern District of New York.

PROJECT DIRECTORSHIPS

Law Student Interns, Nebraska Commission on Law Enforcement and Criminal Justice Grants No. 73-36 and 73-147 (1973-1974).
Law Student Research, Nebraska Commission on Law Enforcement and Criminal Justice Grant No. 74-6 (1974).
Criminal Justice Research, Contract with Omaha/Douglas County Criminal Justice Pilot Cities program (1974-1975).
Criminal Advocacy Institute, Contract with Omaha Municipal Court (1975-1976).
Criminal Justice Research Assistance. Office of National Priority Programs, Law Enforcement Assistance Administration Grant No. 74 DF-99-0020. Established national model for providing research to rural bench and bar through creation of Creighton Legal Information Center. Refunded in 1975-1976 as Grant No. 76 DF-99-0003.
Mental Health Commitment Process in Eastern Nebraska, National Institute of Mental Health Grant No. 1R01 MH27438-01.
Bar Association Support in Corrections (BASICS) project, Nebraska State Bar Association (1975).

CONSULTANTSHIPS AND CONTINUING LEGAL EDUCATION

C-4

Lecturer, Nebraska Criminal Advocacy Institute (1976).

Lecturer, South Carolina Solicitor's Seminar (1975).

Lecturer, Air Force Judge Advocate General Institute for Prosecution and Defense (1975).

Consultant, National Commission for Review of Federal and State Laws Relating to Wiretapping and Electronic Surveillance (1974-1975).

Consultant, L.E.A.A., Courts Evaluation Conference (1975); Courts Initiative Conference (1974); Sentencing Conference (1973).

Consultant, American Bar Association; Standards Implementation Conference for Law Professors (1974).

Consultant, National Institute, L.E.A.A., Proposal Evaluations (1973-1974).

Consultant, National Center for State Courts, *Research in Criminal Sentencing Practices*, Washington, D. C. (1973).

PROFESSIONAL ASSOCIATIONS AND ORGANIZATIONS

Association of American Law Schools, Criminal Justice Section; 1974, Chairperson-Elect; 1975, 1976, Chairperson.

Chairperson, Public Safety Committee, Greater Omaha Chamber of Commerce (1974-1975).

Appointed by Nebraska Governor to the Nebraska Commission on Law Enforcement and Criminal Justice; member of Data Processing and Education Committees, and of Police Standards Advisory Council, which sets minimum police education standards for the State of Nebraska (1974 - present).

Vice Chairperson, Nebraska State Bar Association Committees on: Correctional Law and Practices and Mental Health (1974 - present).

Charter Member; American Bar Association Section on Law, Science, and Technology (1974 - present).

Member, National Association of Criminal Defense Attorneys and Public Defenders, National Council on Crime and Delinquency, Law and Society Association, American Academy of Political and Social Sciences, Nebraska Association of Trial Attorneys, and Nebraska Association of Criminal Defense Attorneys.

Admitted to State and Federal Bars of Colorado, April 1972; Admitted to State and Federal Bars of Nebraska, December 1971; member American, Colorado, and Nebraska Bar Associations.

HONORS AND AWARDS

PROFESSIONAL: American Bar Foundation Affiliated Scholar, 1972 to 1975.

LAW SCHOOL: Full tuition scholarship for four years, elected to the Order of Saint Ives, University of Denver Legal Honorary.

UNDERGRADUATE: John McMullen Scholar; National Merit Scholar Commendation; New York State Regents Scholar; Department Honors, Political Science Department; Recipient, Outstanding Junior Award, Northwestern University.

UNIVERSITY AND COMMUNITY SERVICE

Member, ad hoc University Committee on development of a computing facility. Appointed by Vice-President to search committee for Director of Computing Center (1975-1976).

Advisor and Creighton University Representative to state-wide committee on the future of Law-Related Education in Nebraska public and parochial schools (1975-1976).

Chairman and cooperating attorney, Nebraska Civil Liberties Union, Omaha Lawyers Panel (1975-1976).

Member, Law School Committees on Library and Continuing Legal Education (1974-1976).

Advisor and Creighton University Representative to State meeting on the future of Automated Legal Information Retrieval for Nebraska (1975).

Panelist, U.S. Civil Rights Commission, Bi-State Conference on Citizen Participation in the Correctional Process (1975).

Pro bono and compensated professional services in the Douglas County Juvenile Court (1973-1975).

Speaker, advisor, or *pro bono* consultant: Ak-Sar-Ben Chapter of the American Association of Internal Auditors (advisor in White Collar Crime); Creighton Conference on Work Alienation, Head Start of Omaha; Greater Omaha Association of Retarded Citizens and Committee on Legal Rights of the Mentally Retarded; Creighton Circle; Region I Criminal Justice Planning Conference, WOW-TV Town Hall Meeting.

Co-author (with L. P. Tiffany and Y. Avichai), *The Effect of Plea on Sentence*, an empirical study of the relationships between plea and punishment in the federal court system, planned for book publication in 1976. Research involves a statistical analysis of over 11,000 criminal cases. Article based on this study was published in 4 *University of Chicago Journal of Legal Studies* 369 (1975).

Editor and Co-author, *Nebraska Judges Deskbook: Sentencing Alternatives and Procedures* (1975).

Author, Memo to Nebraska State Bar Association and Nebraska Supreme Court in support of proposal to expand the Nebraska Senior Practice Rule. Proposal adopted by the U.S. District Court for Nebraska in 1974 and by Nebraska Supreme Court in 1975.

Editor and Co-author, *Legal Aspects of Douglas County Corrections* (1974).

Speech and paper, *A Researcher's View of Criminal Justice Information Systems*, presented to Annual Meeting of the Urban and Regional Information Assistance Systems Associations, Montreal, Canada, August 1974. Paper printed in the proceedings of that conference.

Author, various presentations to: Nebraska State Bar Association, Nebraska District Judges Association, Nebraska County Judges Association, Nebraska Sheriffs and Police Officers Association, Police Officers Association of Nebraska, and other groups, all relating to the establishment of the Creighton Legal Information Center.

TEACHING EXPERIENCE AND INTERESTS

1975-1976: Negotiable Instruments, Criminal Law.

1974-1975: Seminar on Legal-Empirical Studies, Negotiable Instruments, Criminal Law.

Summer 1974: Legal aspects of Mental Health and Mental Retardation.

1973-1974: Administration of Criminal Justice, Negotiable Instruments, Criminal Law, Administration of Criminal Justice Seminar, Director of Criminal Justice Clinical Programs.

Summer 1973: Director Clinical Internship Program: Criminal Prosecution and Defense.

1972-1973: Administration of Criminal Justice, Negotiable Instruments, Criminal Law, Administration of Criminal Justice Seminar.

Level of all teaching is Juris Doctor Degree (graduate level).

REFERENCES

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PERSONAL

Age: 30
 Family: Married, two children

EDUCATION

GRADUATE: Doctor of Philosophy Degree; Experimental Psychology, Northwestern University, 1973.
 Dissertation Title: *The Effect of Massed and Distributed Presentations in Free-Recall Learning: A test of the Attenuation-of-Attention Hypothesis.*

Master of Science Degree; Industrial Psychology, Purdue University, 1968.

UNDERGRADUATE: Bachelor of Arts Degree; Psychology, Northwestern University, 1967.

SPECIAL TRAINING PROGRAMS

Workshop in Multi-Dimensional Scaling, Bell Laboratories and University of Pennsylvania, Philadelphia, Pennsylvania, June 7 to June 10, 1972.

PROFESSIONAL EMPLOYMENT

Associate Professor of Management, School of Business Administration, Creighton University, June 1975 to present.

Director of Business Programs, Creighton Institute for Business, Legal and Social Research, Creighton University, July 1975 to present.

Associate Director, Social Research, Inc., Chicago, Illinois, February 1974 to June 1975.

Project Director, Social Research, Inc., Chicago, Illinois, September 1973 to February 1974.

Teaching Associate, *Experimental Psychology*, Northwestern University, June 1969 to January 1975.

Psychologist II, Chicago Board of Mental Health, Division of Mental Health, Chicago, Illinois, September 1968 to July 1970.

CONSULTANTSHIPS

Evaluation Consultant, Criminal Justice Research Assistance Project (L.E.A.A.), Creighton University School of Law, June 1974 to September 1975.

PROFESSIONAL ASSOCIATIONS AND ORGANIZATIONS

American Psychological Association
 Division of Consumer Psychology
 Division of General Psychology

American Management Association

American Marketing Association

Registered Psychologist - State of Illinois

Registered Psychologist - State of Nebraska (pending)

GRADUATE: Research Assistantship to Dr. Benton J. Underwood, June 1970 to August 1973;
National Science Foundation Traineeship, September 1967 to August 1968.

UNDERGRADUATE: Phi Beta Kappa, 1967, Departmental honors in Psychology.

PUBLICATIONS:

- Zimmerman, J. *Qualitative Research: The Forgotten Art of Science*, paper presented to Creighton University Autumn Business Conference, September 6, 1975, Creighton Institute for Legal and Applied Research, Technical Report B-001, 1975.
- Nowaczyk, R. H., Shaughnessy, J. J., & Zimmerman, J. Proactive interference in short-term retention and the measurement of degree of learning: A new technique. *Journal of Experimental Psychology*, 1974, 103, 45-53.
- Reichardt, C. S., Shaughnessy, J. J., & Zimmerman, J. On the independence of judged frequencies for items presented in successive lists. *Memory and Cognition*, 1973, 1, 149-156.
- Shaughnessy, J. J., Zimmerman, J., & Underwood, B. J. Further evidence on the MP-DP effect in free-recall learning. *Journal of Verbal Learning and Verbal Behavior*, 1972, 11, 1-12.
- Shaughnessy, J. J., Zimmerman, J., & Underwood, B. J. Recall of massed and distributed items as a function of the number of different learning cues. Technical Report, 1973, Project NR 154-321, Contract No. N00014-67-A-0356-0010, Office of Naval Research.
- Shaughnessy, J. J., Zimmerman, J., and Underwood, B. J. The spacing effect in the learning of word pairs and the components of word pairs. *Memory and Cognition*, 1974, 2, 742-748.
- Underwood, B. J., Broder, P. K., & Zimmerman, J. Associative matching and cumulative proactive inhibition. *Bulletin of the Psychonomic Society*, 1973, 1, 48.
- Underwood, B. J., Broder, P. K., & Zimmerman, J. Retention of verbal-discrimination lists as a function of number of prior lists, word frequency, and type of list. *Journal of Experimental Psychology*, 1973, 100, 101-105.
- Underwood, B. J., Reichardt, C. S., & Zimmerman, J. Conceptual associations and verbal-discrimination learning. *American Journal of Psychology*, 1973, 86, 613-615.
- Underwood, B. J., Shaughnessy, J. J., & Zimmerman, J. Learning-to-learn verbal-discrimination lists. *Journal of Verbal Learning and Verbal Behavior*, 1972, 11, 96-104.
- Underwood, B. J., Shaughnessy, J. J., & Zimmerman, J. List length and method of presentation on verbal discrimination learning with further evidence on retroaction. *Journal of Experimental Psychology*, 1972, 93, 181-187.
- Underwood, B. J., Shaughnessy, J. J., & Zimmerman, J. The locus of the retention differences associated with degree of hierarchical conceptual structure. *Journal of Experimental Psychology*, 1974, 102, 850-862.
- Underwood, B. J., & Zimmerman, J. Serial retention as a function of hierarchical structure. *Journal of Experimental Psychology*, 1973, 99, 236-242.
- Underwood, B. J., & Zimmerman, J. The syllable as a source of error in multisyllable word recognition. Technical Report, 1973, Project NR 154-321, Contract No. N00014-67-A-0356-0010, Office of Naval Research. Also: *Journal of Verbal Learning and Verbal Behavior*, 1973, 12, 701-706.

- Underwood, B. J., & Zimmerman, J. A comparison of the effects of formal similarity among trigrams and among word triads. *Memory and Cognition*, 1974, 2, 283-288.
- Underwood, B. J., Zimmerman, J., & Brown, A. S. Associative interference and recognition memory. Technical Report, 1973, Project NR 154-321, Contract No. N00014-67-A-0356-0010, Office of Naval Research.
- Underwood, B. J., Zimmerman, J., & Freund, J. S. Retention of frequency information with observations on recognition and recall. *Journal of Experimental Psychology*, 1971, 87, 149-162.
- Zimmerman, J. Free recall after self-paced study: A test of the attenuation explanation of the spacing effect. *American Journal of Psychology*, 1975.
- Zimmerman, J., Broder, P. K., Shaughnessy, J. J., & Underwood, B. J. A recognition test of vocabulary using signal-detection measures, and some correlates of word and nonword recognition. Technical Report, 1973, Project NR 154-321, Contract No. N00014-67-A-0356-0010, Office of Naval Research.
- Zimmerman, J., Shaughnessy, J. J., & Underwood, B. J. The role of associations in verbal-discrimination learning. *American Journal of Psychology*, 1972, 85, 499-518.
- Zimmerman, J., & Underwood, B. J. Ordinal position knowledge within and across lists as a function of instructions in free-recall learning. *Journal of General Psychology*, 1968, 79, 301-307.

REFERENCES

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LAWRENCE A. MAZZOTTA

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PERSONAL

Age: 28
Family: Married

EDUCATION

GRADUATE: Master of Public Administration Degree; Maxwell School of Citizenship and Public Affairs, Syracuse University, 1974.

UNDERGRADUATE: Bachelor of Science Degree in Urban Affairs, College of Public Affairs and Community Services, University of Nebraska, Omaha, 1972.

PROFESSIONAL EMPLOYMENT

Assistant Director, Creighton Institute for Business, Legal and Social Research, August 1, 1975 to present.

Director of Supportive Services, Eastern Nebraska Human Services Agency, October 1, 1974 to July 31, 1975.

Director of Administrative Operations, Eastern Nebraska Community Office of Retardation, June 1974 to October 1974.

Assistant to the Director, Metropolitan Studies Program, Syracuse University, September 1973 to June 1974.

Research Assistant and Data Services Coordinator, Center for Applied Urban Research, University of Nebraska, Omaha, September 1972 to June 1973.

Assistant Data Services Coordinator, Center for Applied Urban Research, University of Nebraska, Omaha, September 1971 to September 1972.

Air Training Specialist, United States Air Force, Honorably Discharged, 1971.

PROFESSIONAL ASSOCIATIONS AND ORGANIZATIONS

American Society for Public Administration

International City Managers Association

American Management Association

Vice-Chairman, Eastern Nebraska Human Services Agency Planning Committee (1975)

Chairman, Eastern Nebraska Community Office on Retardation, Home Services Delivery Committee (1974)

Greater Omaha Association for Retarded Citizens

HONORS AND AWARDS

GRADUATE: Richard King Mellon Fellowship in Government, Maxwell School, Syracuse University.

UNDERGRADUATE: Gamma Theta Upsilon, International Honorary Geographic Society; Experiment in International Living Scholarship, first alternate.

RESEARCH ACTIVITIES

Paper, Proposal for the Nationalization of Physician Licensure

Paper, Health Services Index - City of Omaha

Paper, Metropolitan Omaha Educational Profile

Paper, Changes in Public Awareness by Private Industry

Paper, Socio-Economic Indicators - City of Omaha

REFERENCES

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PERSONAL

Age: 35
Family: Married, one child

EDUCATION

LAW: Creighton University School of Law; Second Year Student.

GRADUATE: Doctor of Philosophy Degree; Education Research and Guidance, Ohio State University, 1970. Dissertation Title: *The Disadvantaged Child*.

Master of Science Degree; Guidance and Counseling, Purdue University, 1962.

UNDERGRADUATE: Bachelor of Science Degree; Mathematics, Ohio University, 1960.

PROFESSIONAL EMPLOYMENT

Research Associate, Creighton Institute for Business, Legal and Social Research, September 25, 1975 to present.

Director of Institutional Research, Associate Professor of Education, West Virginia College of Graduate Studies, 1974 to September 1975.

Assistant Professor of Education, College of Education, Department of Counselor Education, University of Nebraska, Omaha, 1973 - 1974.

Director and Principal Author of the Proposal for a Title IV Project entitled *An Institute and Resource and Communications Unit designed to aid schools, school personnel and school related personnel with educational problems occasioned by desegregation and the lack of responsiveness on the part of the educational structure to multi-cultural education*, 1971-1974.

Assistant Director, Division of Computer Services and Statistical Reports, State of Ohio Department of Education, 1966-1970.

PROFESSIONAL ASSOCIATIONS AND ORGANIZATIONS

American Educational Research Association

American Personnel and Guidance Association

HONORS AND AWARDS**GRADUATE:** General Motors Scholarship.**UNDERGRADUATE:** National Defense Education Act.**REFERENCES**

Mr. Robert Greer
Assistant Superintendent for Urban Education
Ohio State Department of Public Instruction
2591 Floribunda Drive
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Dr. Richard Stranges
Assistant Director, Counseling Center
Ohio State University
6316 Sky Way
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Dr. Milton A. Grodsky
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