

FORD ADMINISTRATION STIFLES JUVENILE JUSTICE PROGRAM

HEARINGS

BEFORE THE

SUBCOMMITTEE TO INVESTIGATE
JUVENILE DELINQUENCY

OF THE

COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE
NINETY-FOURTH CONGRESS

FIRST SESSION

Pursuant to S. Res. 72, Section 12

INVESTIGATION OF JUVENILE DELINQUENCY IN THE
UNITED STATES

MENT OF IMPLEMENTATION OF THE
LE JUSTICE AND DELINQUENCY PRE-
N ACT OF 1974 (P.L. 93-415), S. 821, SEP-
TEMBER 7, 1974

APRIL 29, 1975

Printed for the use of the Committee on the Judiciary



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

An Act

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

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

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

TITLE I—FINDINGS AND DECLARATION OF PURPOSE

FINDINGS

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

42 USC 5601.

(1) juveniles account for almost half the arrests for serious crimes in the United States today;

(2) understaffed, overcrowded juvenile courts, probation services, and correctional facilities are not able to provide individualized justice or effective help;

(3) present juvenile courts, foster and protective care programs, and shelter facilities are inadequate to meet the needs of the countless, abandoned, and dependent children, who, because of this failure to provide effective services, may become delinquents;

(4) existing programs have not adequately responded to the particular problems of the increasing numbers of young people who are addicted to or who abuse drugs, particularly nonopiate or polydrug abusers;

38 STAT. 1109

(5) juvenile delinquency can be prevented through programs designed to keep students in elementary and secondary schools through the prevention of unwarranted and arbitrary suspensions and expulsions;

38 STAT. 1110

(6) States and local communities which experience directly the devastating failures of the juvenile justice system do not presently have sufficient technical expertise or adequate resources to deal comprehensively with the problems of juvenile delinquency; and

(7) existing Federal programs have not provided the direction, coordination, resources, and leadership required to meet the crisis of delinquency.

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

PURPOSE

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

42 USC 5602.

(1) to provide for the thorough and prompt evaluation of all federally assisted juvenile delinquency programs;

(2) to provide technical assistance to public and private agencies, institutions, and individuals in developing and implementing juvenile delinquency programs;

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

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

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

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

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

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

DEFINITIONS

SEC. 103. For purposes of this Act—

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

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

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

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

42 USC 5603.

42 USC 3711.

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

42 USC 3711.

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

88 STAT. 1111

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

88 STAT. 1112

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

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

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

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

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

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

TITLE II—JUVENILE JUSTICE AND DELINQUENCY PREVENTION

Part A—Juvenile Justice and Delinquency Prevention Office

ESTABLISHMENT OF OFFICE

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

42 USC 5611.

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

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

88 STAT. 1112

88 STAT. 1113

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

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

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

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

Post, p. 1125.

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

PERSONNEL, SPECIAL PERSONNEL, EXPERTS, AND CONSULTANTS

42 USC 5612.

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

5 USC 5332
note.

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

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

80 Stat. 416.

5 USC 5332
note.

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

VOLUNTARY SERVICE

42 USC 5613.

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

CONCENTRATION OF FEDERAL EFFORTS

42 USC 5614.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Federal Govern-
ment services
and facilities,
utilization.Transfer of
funds.Grants and
contracts.Coordination
with HEW.Development
statement, sub-
mittal to
Council.
Supra.

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

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

Juvenile de-
linquency de-
velopment
statement,
review.

JOINT FUNDING

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

Non-Federal
share require-
ment.
Establishment.COORDINATING COUNCIL ON JUVENILE JUSTICE AND DELINQUENCY
PREVENTION

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

Establishment.
42 USC 5615.
Membership.

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

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

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

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

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

STATE PLANS

Financial assistance, limitation.

Post, p. 1129.

42 USC 5633.

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

42 USC 3733. Requirements.

42 USC 3723.

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

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

Advisory group.

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

Consultation with local governments.

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

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

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

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

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

Study.

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

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

Advanced techniques.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(B) the continuation of collective-bargaining rights;

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

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

(E) training or retraining programs.

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

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

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

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

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

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

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

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

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

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

Subpart II—Special Emphasis Prevention and Treatment Programs

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

42 USC 3733.

Ante, p. 1119.

State plan,
approval.

42 USC 3757-
3759.

Ante, p. 1118.

Supra.

Grants and
contracts.
42 USC 5634.

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

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

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

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

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

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

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

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

CONSIDERATIONS FOR APPROVAL OF APPLICATIONS

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

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

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

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

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

(4) provide for regular evaluation of the program;

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

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

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

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

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

Post, p. 1127.

42 USC 5635.

Reports.

Fiscal control
and fund ac-
counting.

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

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

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

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

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

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

Ante, p. 1119.

Post, p. 1127.

GENERAL PROVISIONS

Withholding

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

42 USC 5636.

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

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

USE OF FUNDS

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

42 USC 5637.

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

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

Limitations.

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

PAYMENTS

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

42 USC 5638.

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

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

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

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

PART C—NATIONAL INSTITUTE FOR JUVENILE JUSTICE AND DELINQUENCY PREVENTION

Establishment.
42 USC 5651.

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

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

Ante, p. 1112.

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

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

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

Data collection.

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

Training.

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

Additional powers.

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

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

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

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

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

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

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

INFORMATION FUNCTION

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

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

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

RESEARCH, DEMONSTRATION, AND EVALUATION FUNCTIONS

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

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

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

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

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

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

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

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

TRAINING FUNCTIONS

42 USC 5654.

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

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

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

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

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

INSTITUTE ADVISORY COMMITTEE

42 USC 5655.

Ante, p. 1117.

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

ANNUAL REPORT

42 USC 5656.

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

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

DEVELOPMENT OF STANDARDS FOR JUVENILE JUSTICE

42 USC 5657.

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

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

(1) recommends Federal action, including but not limited to administrative and legislative action, required to facilitate the adoption of these standards throughout the United States; and

(2) recommends State and local action to facilitate the adoption of these standards for juvenile justice at the State and local level.

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

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

Records, disclosure or transfer, restriction.
42 USC 5658.

ESTABLISHMENT OF TRAINING PROGRAM

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

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

CURRICULUM FOR TRAINING PROGRAM

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

ENROLLMENT FOR TRAINING PROGRAM

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

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

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

Travel expenses.

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

PART D—AUTHORIZATION OF APPROPRIATIONS

42 USC 5671.

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

Additional funds.

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

NONDISCRIMINATION PROVISIONS

42 USC 5672.

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

42 USC 2000d-2.

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

EFFECTIVE CLAUSE

42 USC 5601 note.

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

Ante, p. 1132.

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

TITLE III—RUNAWAY YOUTH

SHORT TITLE

Runaway Youth Act.
42 USC 5701 note.

SEC. 301. This title may be cited as the "Runaway Youth Act".

FINDINGS

42 USC 5701.

SEC. 302. The Congress hereby finds that—

(1) the number of juveniles who leave and remain away from home without parental permission has increased to alarming proportions, creating a substantial law enforcement problem for the

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

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

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

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

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

RULES

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

PART A—GRANTS PROGRAM

PURPOSES OF GRANT PROGRAM

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

ELIGIBILITY

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

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

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

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

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

- (4) shall develop an adequate plan for assuring proper relations with law enforcement personnel, and the return of runaway youths from correctional institutions;
- Aftercare counseling. (5) shall develop an adequate plan for aftercare counseling involving runaway youth and their parents within the State in which the runaway house is located and for assuring, as possible, that aftercare services will be provided to those children who are returned beyond the State in which the runaway house is located;
- Records, information disclosure, restriction. (6) shall keep adequate statistical records profiling the children and parents which it serves, except that records maintained on individual runaway youths shall not be disclosed without parental consent to anyone other than another agency compiling statistical records or a government agency involved in the disposition of criminal charges against an individual runaway youth, and reports or other documents based on such statistical records shall not disclose the identity of individual runaway youths;
- Annual reports to Secretary. (7) shall submit annual reports to the Secretary detailing how the house has been able to meet the goals of its plans and reporting the statistical summaries required by paragraph (6);
- Budget estimate. (8) shall demonstrate its ability to operate under accounting procedures and fiscal control devices as required by the Secretary;
- (9) shall submit a budget estimate with respect to the plan submitted by such house under this subsection; and
- (10) shall supply such other information as the Secretary reasonably deems necessary.

APPROVAL BY SECRETARY

- 42 USC 5713. SEC. 313. An application by a State, locality, or nonprofit private agency for a grant under this part may be approved by the Secretary only if it is consistent with the applicable provisions of this part and meets the requirements set forth in section 312. Priority shall be given to grants smaller than \$75,000. In considering grant applications under this part, priority shall be given to any applicant whose program budget is smaller than \$100,000.

GRANTS TO PRIVATE AGENCIES, STAFFING

- 42 USC 5713. SEC. 314. Nothing in this part shall be construed to deny grants to nonprofit private agencies which are fully controlled by private boards or persons but which in other respects meet the requirements of this part and agree to be legally responsible for the operation of the runaway house. Nothing in this part shall give the Federal Government control over the staffing and personnel decisions of facilities receiving Federal funds.

REPORTS

- Report to Congress. 42 USC 5715. SEC. 315. The Secretary shall annually report to the Congress on the status and accomplishments of the runaway houses which are funded under this part, with particular attention to—
- (1) their effectiveness in alleviating the problems of runaway youth;
 - (2) their ability to reunite children with their families and to encourage the resolution of intrafamily problems through counseling and other services;
 - (3) their effectiveness in strengthening family relationships and encouraging stable living conditions for children; and

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

FEDERAL SHARE

SEC. 316. (a) The Federal share for the acquisition and renovation of existing structures, the provision of counseling services, staff training, and the general costs of operations of such facility's budget for any fiscal year shall be 90 per centum. The non-Federal share may be in cash or in kind, fairly evaluated by the Secretary, including plant, equipment, or services. 42 USC 5716. Non-Federal share.

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

PART B—STATISTICAL SURVEY

SURVEY; REPORT

SEC. 321. The Secretary shall gather information and carry out a comprehensive statistical survey defining the major characteristic of the runaway youth population and determining the areas of the Nation most affected. Such survey shall include the age, sex, and socioeconomic background of runaway youth, the places from which and to which children run, and the relationship between running away and other illegal behavior. The Secretary shall report the results of such information gathering and survey to the Congress not later than June 30, 1975. 42 USC 5731. Report to Congress.

RECORDS

SEC. 322. Records containing the identity of individual runaway youths gathered for statistical purposes pursuant to section 321 may under no circumstances be disclosed or transferred to any individual or to any public or private agency. Disclosure or transfer, restriction. 42 USC 5732.

PART C—AUTHORIZATION OF APPROPRIATIONS

SEC. 331. (a) To carry out the purposes of part A of this title there is authorized to be appropriated for each of the fiscal years ending June 30, 1975, 1976, and 1977, the sum of \$10,000,000. 42 USC 5751.

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

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

YOUTH DEVELOPMENT DEMONSTRATIONS

SEC. 401. Title I of the Juvenile Delinquency Prevention Act is amended (1) in the caption thereof, by inserting "AND DEMONSTRATION PROGRAMS" after "SERVICES"; (2) following the caption thereof, by inserting "PART A—COMMUNITY-BASED COORDINATED YOUTH SERVICES"; (3) in sections 101, 102(a), 102(b)(1), 102(b)(2), 103(a) (including paragraph (1) thereof), 104(a) (including paragraphs (1), (4), (5), (7), and (10) thereof), and 104(b) by striking out "title" and inserting "part" in lieu thereof; and (4) by inserting at the end of the title following new part: 42 USC 3811. 42 USC 3812-3814.

"PART B—DEMONSTRATIONS IN YOUTH DEVELOPMENT

Grants.
42 USC 3821.

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

Limitation.

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

CONSULTATION

42 USC 3888.

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

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

and by deleting subsection (b) thereof.

(b) Section 409 is repealed.

42 USC 3701
note.
Repeal.
42 USC 3889.

REPEAL OF MINIMUM STATE ALLOTMENTS

42 USC 3883.

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

EXTENSION OF PROGRAM

42 USC 3882.

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

TITLE V—MISCELLANEOUS AND CONFORMING
AMENDMENTSPART A—AMENDMENTS TO THE FEDERAL JUVENILE
DELINQUENCY ACT

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

"§ 5031. Definitions

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

DELINQUENCY PROCEEDINGS IN DISTRICT COURTS

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

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

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

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

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

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

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

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

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

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

CUSTODY

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

"§ 5033. Custody prior to appearance before magistrate

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

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

DUTIES OF MAGISTRATE

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

"§ 5034. Duties of magistrate

Representation
by counsel.

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

Appointment
by guardian.

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

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

DETENTION

18 USC 5035.

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

"§ 5035. Detention prior to disposition

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

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

SPEEDY TRIAL

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

"§ 5036. Speedy trial

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

DISPOSITION

SEC. 507. Section 5037 is amended to read as follows:

18 USC 5037.

"§ 5037. Dispositional hearing

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

Presentence
report, avail-
ability of
copies.

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

Probation or
commitment,
term.

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

Commitment to
Attorney Gen-
eral.

Study.

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

JUVENILE RECORDS

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

18 USC 5038.

Disclosure safe-guard.

Sealed records, release, exceptions.

"§ 5038. Use of juvenile records

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

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

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

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

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

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

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

COMMITMENT

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

"§ 5039. Commitment

18 USC 5039.

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

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

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

SUPPORT

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

"§ 5040. Support

18 USC 5040.

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

Contract authority.

Regulations.

PAROLE

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

"§ 5041. Parole

18 USC 5041.

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

REVOCATION

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

"§ 5042. Revocation of parole or probation

18 USC 5042.

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

Notice and hearing.

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

"Sec.

"5031. Definitions.

"5032. Delinquency proceedings in district courts; transfer for criminal prosecution.

"5033. Custody prior to appearance before magistrate.

"5034. Duties of magistrate.

"5035. Detention prior to disposition.

"5036. Speedy trial.

"5037. Dispositional hearing.

"5038. Use of juvenile records.

"5039. Commitment.

"5040. Support.

"5041. Parole.

"5042. Revocation of parole or probation."

PART B—NATIONAL INSTITUTE OF CORRECTIONS

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

"CHAPTER 319.—NATIONAL INSTITUTE OF CORRECTIONS

Establishment.
18 USC 4351.

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

Membership.

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

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

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

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

Compensation for expenses.

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

5 USC 5332
note.

Chairman and
vice-chairman.

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

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

Appointment of
committees.

5 USC 5332
note.

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

Delegation of
powers.
Director.

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

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

Additional
authority.
18 USC 4352.

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

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

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

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

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

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

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

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

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

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

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

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

Contracts.

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

Experts and consultants.

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

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

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

Recordkeeping.

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

Audit.

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

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

Appropriation.
18 USC 4353.

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

PART C—CONFORMING AMENDMENTS

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

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

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

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

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

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

SEC. 544. Section 520 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by (1) inserting "(a)" after "Sec. 520." and (2) by inserting at the end thereof the following: "(b) In addition to the funds appropriated under section 261(a) of the Juvenile Justice and Delinquency Prevention Act of 1974, the Administration shall expend from other Law Enforcement Assistance Administration appropriations, other than the appropriations for administration, at least the same level of financial assistance for juvenile delinquency programs as was expended by the Administration during fiscal year 1972."

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

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

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88 STAT. 1143 Pub. Law 93-415 - 34 - September 7, 1974

42 USC 3772.

"Sec. 526. The Administrator is authorized to accept and employ, in carrying out the provisions of this Act, voluntary and uncompensated services notwithstanding the provisions of section 8679(b) of the Revised Statutes (31 U.S.C. 665(b)).

42 USC 3773.

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

Ante, p. 1112.

42 USC 3774.

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

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

5 USC 5332
note.

Approved September 7, 1974.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 93-1135 accompanying H. R. 15276 (Comm. on Education and Labor) and No. 93-1298 (Comm. of Conference).

SENATE REPORTS: No. 93-1011 (Comm. on the Judiciary) and No. 1103 (Comm. of Conference).

CONGRESSIONAL RECORD, Vol. 120 (1974):

July 1, H. R. 15276 considered and passed House.

July 25, considered and passed Senate.

July 31, considered and passed House, amended, in lieu of H. R. 15276.

Aug. 19, Senate agreed to conference report.

Aug. 21, House agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 10, No. 37: Sept. 8, Presidential statement.

FORD ADMINISTRATION STIFLES JUVENILE JUSTICE PROGRAM

TUESDAY, APRIL 29, 1975

U.S. SENATE,
SUBCOMMITTEE TO INVESTIGATE JUVENILE DELINQUENCY,
COMMITTEE ON THE JUDICIARY,
Washington, D.C.

The subcommittee (composed of Senators Bayh, Hart, Burdick, Kennedy, Tunney, Hruska, Fong, and Mathias) met, pursuant to notice, at 9:40 a.m., in room 318, Russell Senate Office Building, Senator Birch Bayh (chairman of the subcommittee), presiding.

Present: Senator Bayh.

Also present: John M. Rector, staff director and chief counsel; Mary Kaaren Jolly, editorial director and chief clerk; Alice VanLandingham, assistant to the chief counsel; Kevin O. Faley, assistant counsel; Gordon G. Alexander, research assistant; and Ray Yuen, minority staff assistant to Senator Fong.

Senator BAYH. We will convene our hearing this morning.

The subcommittee's enabling resolution, S. Res. 72, section 12, 94th Congress, is hereby noted for the record. Also, I will ask to be included in the record the Juvenile Justice and Delinquency Prevention Act of 1974, Public Law 93-415.¹

Immediately after my opening statement, we will have a statement from our distinguished Republican member, Senator Mathias, who very eloquently expresses his support for this program and concludes by saying, "I applaud this oversight effort which the subcommittee has undertaken, and regret that instead of an opportunity to review the early activities of the program we are still considering how to launch this ship, but if we must continue to struggle to obtain the proper attention to juvenile justice, then we shall do so. I am resolved, and I know you are, also, Mr. Chairman."

Senator Mathias has been one of our most adamant supporters.

OPENING STATEMENT OF SENATOR BIRCH BAYH, CHAIRMAN

Senator BAYH. It is unfortunate that today's hearing will not actually assess the numerous steps which should have been taken to implement the Juvenile Justice and Delinquency Prevention Act of 1974—Public Law, 93-415—which passed the Senate and the House of Representatives last summer by votes of 88 to 1 and 329 to 20, respectively.

¹ See pp. XI-XLIV.

In fact, since the Ford administration has responded to this congressional mandate with little more than indifference, the impetus for the hearing and its focus is to attempt to fathom the reasoning which underlies their public policy designed to stifle a major bipartisan congressional and citizens mandate tailored to address the soaring rate of juvenile crime and to prevent delinquency.

The act is designed specifically to prevent young people from entering our failing juvenile justice system, and to assist communities in developing more sensible and economic approaches for youngsters already in the juvenile justice system. It creates an Office of Juvenile Justice and Delinquency Prevention in the Law Enforcement Assistance Administration of the Department of Justice to coordinate all Federal juvenile justice programs now scattered throughout the Federal Government. It establishes a National Advisory Committee on Juvenile Justice and Delinquency Prevention to advise LEAA on Federal juvenile delinquency programs. It also provides for block grants to State and local governments and grants to public and private agencies to develop juvenile justice programs with special emphasis on alternative treatment and prevention.

Who can dispute the need for immediate action? The recently released Federal Bureau of Investigation report on trends in crime for 1974 presents a frightening picture of the rising tide of criminal activity in America. Serious crime in the United States rose 17 percent last year, the highest annual increase since the FBI began collecting crime data 45 years ago. In fact, the increase for the final quarter of 1974 had reached 19 percent.

The suburban increase for last year was 20 percent while crime in rural areas increased 21 percent. In smaller communities—under 10,000—crime increased by 24 percent last year while robbery went up by 30 percent.

It is important to stress that these are problems that impact on the lives of our citizens in rural, suburban, and urban areas. In fact, one who reviews the top 50 crime centers, based on the number of serious crimes per 100,000, will discover Phoenix, Ariz.; Daytona Beach, Fla.; Fresno, Calif.; and Albuquerque, N. Mex. among the top 10 in the Nation.

The seriousness of the present situation was dramatically underscored in testimony submitted just 2 weeks ago at our subcommittee's inquiry into juvenile delinquency in our elementary and secondary schools. It was estimated at that hearing that vandalism in our schools is costing the American taxpayer over \$590 million per year. Moreover, a survey of 757 school districts across the country conducted by the subcommittee staff found that teachers and students are being murdered, assaulted and robbed in the hallways, playgrounds, and classrooms of American schools at an ever-escalating rate. Between 1970 and 1973, for instance, 362 teachers were assaulted in Dayton, Ohio, schools. In the Kansas City school system over 250 teachers were attacked in that same period. Each year, in fact, approximately 70,000 teachers are physically assaulted in this country—ranging from the shooting death of an elementary school principal in Chicago by one of his pupils, to the beating of a high school math teacher in Omaha just last month.

ADMINISTRATION'S GAP BETWEEN RHETORIC AND REALITY

Obviously we are confronting a very serious situation and I, for one, am becoming increasingly frustrated with the enormous gap between the rhetoric and the reality of this administration's concern over rising crime. We cannot begin to solve the problems of crime in our businesses, streets, and homes by gathering statistics and wringing our hands over the sad picture they present.

It is quite apparent that the increase in crime in America is largely a product of the rapidly escalating crime level among our young people. While youths between the ages of 10 and 17 make up 16 percent of our population they account for fully 45 percent of all persons arrested for serious crime; 51 percent of those arrested for property crimes and 23 percent for violent crimes had not yet reached their 18th birthday. That part of our population under 22 years old account for 61 percent of the total criminal arrests in this country.

This is not the first occasion on which I have found it appropriate to emphasize these tragic and startling statistics nor are my comments solely in reaction to President Ford's recently announced desire to insure domestic tranquility and to protect innocent victims of crime.

For more than 4 years as chairman of the subcommittee, I have stressed these concerns; but, more importantly, the failure of the Federal Government to adequately respond to juvenile crime and to make the prevention of delinquency a Federal priority.

The Juvenile Justice and Delinquency Prevention Act is the product of these many years of work. It was developed and supported by bipartisan groups of citizens throughout the country and was sent to the President by strong bipartisan majorities in both Houses of Congress.

The act recognizes that our present system of juvenile justice is failing miserably. It is based on our findings that the present system is geared primarily to react to youth offenders rather than to prevent the youthful offense. It is, likewise, predicted on conclusive evidence that the system fails at the crucial point when a youngster first gets into trouble. The juvenile who takes a car for a joy ride, or the youngster who thinks shoplifting is a lark are often confronted by a system of justice completely incapable of dealing with them in a constructive manner.

I'm all too aware of the limited alternatives available to the juvenile judges in communities across this Nation when they are confronted with the decision of what to do with a juvenile involved in an initial, relatively minor offense. In many instances the judge has but two choices—send the juvenile back to the environment, which created these problems in the first place, with nothing more than a stern lecture; or, incarcerate the juvenile in a system structured for serious offenders where the youth will invariably emerge only to escalate the level of law violations into more serious criminal behavior.

CHILD "CRIMES" VERSUS ADULT CRIMES

In addition to the dilemma we now face as to what we do with the young troublemaker, we are also confronted with thousands of children who have committed no criminal act in adult terms. In fact,

almost 40 percent of all children involved in the juvenile justice system today have not done anything which could be considered a violation of criminal law. Yet these children—70 percent are young girls—often end up in institutions with hardened juvenile offenders and adult criminals. Instead of receiving counseling and rehabilitation outside the depersonalized environment of a jail, these youngsters are comingled with youthful and adult offenders. There should be little wonder that three of every four youthful offenders commit subsequent crimes.

Some youthful offenders must be removed from their communities for society's sake as well as their own. But the incarceration should be reserved for those youths who cannot be handled by other alternatives.

Each year an excessive number of juveniles are unnecessarily incarcerated in crowded juvenile or adult institutions simply because of the lack of a workable alternative. The need for such alternatives to provide an intermediate step between essentially ignoring a youth's problems or adopting a course which can only make them worse, is evident.

Past Federal efforts to provide alternatives have been inadequate and have not recognized that the best way to combat juvenile delinquency is to prevent it. The act is based on the age-old proven conviction that an ounce of prevention is worth more than a pound of cure. The act represents a Federal commitment to provide leadership, coordination and a framework for using the Nation's resources to assist State and local agencies, both public and private, to deal more effectively with juvenile crime and delinquency prevention.

We recently marked the 200th anniversary of the beginning of our struggle to establish a just and free society. From this beginning whatever progress we have made in that direction rests in large part on the willingness of our people to invest in the future of succeeding generations. I think we can do better for this young generation of Americans than setting them adrift in schools racked by violence and communities staggering under soaring crime rates.

I understand the President's concern that some programs be curtailed to help the country to get back on its feet. But, I also believe that when it can be demonstrated that Federal spending is an investment which can result in savings to the taxpayer far beyond the cost of the program in question, the investment must be made.

Few areas of national concern can demonstrate the cost effectiveness of such an investment as well as an all-out effort to reduce delinquency.

It is important to understand that the costs involved in our attack on juvenile crime and delinquency which this act authorized; namely, \$75 million, \$125 million, and \$150 million for fiscal years 1975, 1976, and 1977 respectively, are far less than the cost to society of continued Federal inaction.

What we want to learn today is at what point will the President and his administration awaken to their responsibility to the American people? How many more of our citizens will be terrorized in their neighborhoods, schools, businesses and homes before they get

serious and attempt to address the problems of juvenile crime and delinquency prevention?

The Juvenile Justice and Delinquency Prevention Act is after all "the law of the land."

Today we want to learn:

Why the Office of Management and Budget (OMB), after tentatively approving the use of available LEAA funds to begin to implement the act last fall, recently reversed this decision, in spite of specific Senate and House Appropriation Committee endorsement of this allocation?

Why was the appointment of the National Advisory Committee, required by law to be established by early December 1974, delayed until March 1975?

Why the President requested \$5 million for title III of the act—the Runaway Youth Act—for fiscal year 1976, and opposed funding of the major grant programs for the same year?

Why the Coordinating Council, established in the act, held its first meeting last week—more than 8 months after the President signed the measure?

Why the President refuses to nominate an individual¹ to administer the Office of Juvenile Justice and Delinquency Prevention?

What the administration expects to happen to the numerous programs currently funded by the HEW Office of Youth Development—representing an investment of \$30 million—which were scheduled to be transferred, at least in part, to LEAA?

What LEAA has done to implement sections of the act requiring State and local supervisory boards to include more representatives of public and private individuals with expertise and experience with youth?

What LEAA has done to meet the act's mandate that they continue to fund, from law enforcement sources, at their fiscal year 1972 level?

This morning the subcommittee will pursue these and other related questions. We are especially pleased that so many people uniquely qualified to answer these questions are on the agenda today. I look forward to a productive and informative session.

STATEMENT OF SENATOR CHARLES McC. MATHIAS, JR.

Senator MATHIAS. Mr. Chairman, in September 1974, President Ford signed into law S. 821—the Juvenile Justice and Delinquency Act of 1974. This act represents the culmination of a long-time effort on the part of my distinguished colleague Senator Bayh and the Subcommittee To Investigate Juvenile Delinquency to develop a comprehensive Federal program to effectively deal with the ever-mounting juvenile delinquency problem in our Nation. I am happy to have been a part of that effort. Today, the subcommittee will hold hearings on the implementation of this act, and I believe it is an appropriate time to again stress the enormity of this problem and to rededicate our efforts toward realizing the goals of this legislation.

¹ Milton L. Luger, of New York, was confirmed by the U.S. Senate to be Assistant Administrator of the Law Enforcement Assistance Administration on November 11, 1975.

Mr. Chairman, I believe the following figures will tragically demonstrate the urgent need for a national effort to combat juvenile delinquency:

One: It is estimated that at least 1 million youngsters under 18 will be involved with juvenile courts during 1975;

Two: One of every six boys in the Nation will be referred to juvenile court for delinquency before he reaches 18 years of age;

Three: According to the FBI, in the 20 years from 1952 to 1972, juvenile arrests for serious crime increased 1,600 percent;

Four: The recidivism rate among juveniles is estimated at 74 to 85 percent;

Five: More crime is committed by children under 15 than by adults over 25.

Mr. Chairman, these facts are well known. They were the basis upon which the Congress passed the Juvenile Justice and Delinquency Prevention Act of 1974, an act which had strong bipartisan support and which represented the best efforts of persons of all political persuasions.

Mr. Chairman, the problem of government at any time is one of priorities. This is particularly true in times of austerity, such as these. But Mr. Chairman, it seems to me that the sense of priorities within the Congress is quite clear. It is that the problem of juvenile crime is one which demands the highest order of attention. That is why we passed S. 821 last year. This is why we provided for funds—funds specifically in addition to those already being spent—to try and impact the problem of juvenile crime, prevention and rehabilitation.

But despite the urgency which we feel, and the urgency we have sought to convey, these problems continue to receive inadequate and even casual treatment. S. 821 authorized a funding level of \$75, \$125, and \$150 million for fiscal years 1975, 1976, and 1977. In addition, it was the intent of Congress that an additional \$10 million be appropriated each year for 3 years to implement the Runaway Youth Act. In signing this legislation into law, the President indicated that no new moneys would be available for the implementation of this act. It is a total misrepresentation of the spirit of S. 821 to allow the diversion of funds already being spent on other juvenile delinquency efforts in order to begin implementing this act. S. 821 also called for a governing body consisting of a 21-member Advisory Board and an Administrator. No Administrator has yet been named. The act stipulated that the Advisory Board nominees be named no later than December 5, 1974; the nominees were not named until March 19, 1975. The Board has held their first meeting, April 25, 1975, but have no Administrator to whom to report.

Mr. Chairman, I applaud this oversight effort which the subcommittee is undertaking. I regret that, instead of an opportunity to review the early activities of the program, we are still considering how to launch this ship. But if we must continue to struggle to obtain the proper attention for juvenile justice, then we shall do so. I am resolved and I know that you are also resolved, Mr. Chairman.

PRIMARY LEGISLATIVE RESPONSIBILITY

Senator BAYH. This subcommittee has the primary legislative responsibility in the Senate of the United States to deal with the study and hopefully make suggestions relative to the way in which we can make progress toward diminishing the amount of juvenile delinquency in the country.

We have developed numerous proposals over the past several years directly relating to juvenile delinquency.

Perhaps the most significant of our legislative proposals is a product of about 4 years of effort on the part of this subcommittee and some 50 citizen organizations throughout the country which was consummated in its passage—the Juvenile Justice and Delinquency Prevention Act of 1974, Public Law 93-415. This passed the Senate, and the House of Representatives last summer by votes of 88 to 1 and 329 to 20 respectively. Now none of us who have labored in the drafting, forging, and ultimately its passage expected a miracle. We did see a new progressive and comprehensive approach to deal with the problems of the young people in trouble, a way that would prevent many acts of juvenile delinquency, many acts of lawlessness and ultimately make constructive lives for juveniles who were headed for deep trouble—perhaps lifetimes of crime, lifetimes behind bars and in various institutional settings.

I will not belabor our witnesses and those who are here this morning with a recitation of the tragic details of the interrelationship between juvenile delinquency, juvenile crime, and the alarming statistics that have been recently released from the Federal Bureau of Investigation—citing once again that crime has skyrocketed. This last year's increase being the largest since the FBI has kept records, and the largest in the history of our country. Fortunately we have been able to convince the country, and the Congress, but we have not yet been able to convince people in the White House of the direct relationship to the mission that brings our witnesses here, and the major purpose of this subcommittee and this criminal activity. Our studies have shown more than one-half of the serious crimes in this country involve young people who have not yet reached their 19th birthday.

ACTUALLY A FORESIGHT HEARING—LAW NOT IMPLEMENTED

So for many reasons, the act which I just referred to, which was designed to deal with the problems of juvenile delinquency is an important step toward reducing the criminal problem in the country generally. Unfortunately, it has come to my attention as chairman of the subcommittee—and to all who are concerned about it—that the administration has not enthusiastically accepted the program presented by Congress, as many as its features are not yet even implemented. I cannot honestly say that our purpose here today is to conduct a typical oversight hearing because I think the first steps toward implementation, with the exception of the appointment of an Advisory Committee—which is composed of very distinguished individuals with whom I had a chance to meet very briefly last week have not taken place. Thus this is a "foresight" hearing!

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I will not belabor our witnesses and those who are here this morning with a recitation of the tragic details of the interrelationship between juvenile delinquency, juvenile crime, and the alarming statistics that have been recently released from the Federal Bureau of Investigation—citing once again that crime has skyrocketed. This last year's increase being the largest since the FBI has kept records, and the largest in the history of our country. Fortunately we have been able to convince the country, and the Congress, but we have not yet been able to convince people in the White House of the direct relationship to the mission that brings our witnesses here, and the major purpose of this subcommittee and this criminal activity. Our studies have shown more than one-half of the serious crimes in this country involve young people who have not yet reached their 19th birthday.

ACTUALLY A FORESIGHT HEARING—LAW NOT IMPLEMENTED

So for many reasons, the act which I just referred to, which was designed to deal with the problems of juvenile delinquency is an important step toward reducing the criminal problem in the country generally. Unfortunately, it has come to my attention as chairman of the subcommittee—and to all who are concerned about it—that the administration has not enthusiastically accepted the program presented by Congress, as many as its features are not yet even implemented. I cannot honestly say that our purpose here today is to conduct a typical oversight hearing because I think the first steps toward implementation, with the exception of the appointment of an Advisory Committee—which is composed of very distinguished individuals with whom I had a chance to meet very briefly last week have not taken place. Thus this is a "foresight" hearing!

Our witnesses this morning are in positions to give us a clearer idea of what has and what should have happened to date. I am very grateful that Mr. Elmer Staats, the Comptroller General of the United States is here with his assistants, Mr. Fogel and Mr. Stanton representing the General Accounting Office.

We appreciate your efforts to give us insight on the act. We in the Congress are indebted to you, Mr. Staats, and the others who work under your leadership, for the kind of penetrating analysis which you are continually giving in a broad number of areas to inform the Congress of exactly how programs are working or should work. As busy as you are, I appreciate the fact that you are here with us this morning.

Mr. STAATS. Thank you very much, Mr. Chairman.

STATEMENT OF ELMER B. STAATS, COMPTROLLER GENERAL OF THE UNITED STATES; ACCOMPANIED BY DANIEL F. STANTON, ASSOCIATE DIRECTOR, GENERAL GOVERNMENT DIVISION, AND RICHARD L. FOGEL, AUDIT MANAGER, GENERAL GOVERNMENT DIVISION, GAO

Mr. STAATS. We are pleased to be here today to discuss our observations on the Federal Government's attempt to coordinate its juvenile delinquency programs.

Our views are presented in detail in our April 21, 1975, report to the Congress entitled, "How Federal Efforts To Coordinate Programs To Mitigate Juvenile Delinquency Proved Ineffective."¹ We will today highlight the issues addressed in that report.

Reducing crime is a many-sided problem, but it is one which people of all socioeconomic levels and political persuasions agree must be addressed more effectively.

As this subcommittee knows—and has noted for several years—to prevent or reduce crime, juvenile delinquency must be curbed. An analysis of crime statistics shows that one way to more effectively address the crime problem is to concentrate on preventing and controlling juvenile delinquency. In 1973 juveniles under 18 accounted for 45 percent of arrests for all serious crimes. Total arrests of juveniles rose 144 percent between 1960 and 1973 compared to only a 17 percent increase for others.

Despite the significance of the problem and the evidence of this huge increase in juvenile crime, there apparently has not been a widespread realization of this within our Government.

Prior to passage of the Juvenile Justice and Delinquency Prevention Act of 1974, there was no adequate national program to focus the Nation's resources in a concerted attack on the prevention and control of juvenile delinquency. We believe the 1974 act provides a sufficient framework for executive agencies to improve coordination of their efforts. The issue now facing the Federal Government is how effectively the new act will be implemented.

Improving coordination of such efforts will not necessarily lead immediately to reducing juvenile delinquency, but it will at least

¹ See Appendix, p. 191.

mobilize the Federal Government's resources so they can begin addressing the issue more effectively. The causes of juvenile delinquency are complex and involve a multitude of psychological, sociological, and economic factors. At a minimum, the Federal Government should begin to marshal its resources to develop a coordinated strategy to study those factors and develop efforts to test solutions.

Today, the Law Enforcement Assistance Administration (LEAA) of the Department of Justice is the primary Federal agency spending funds for juvenile delinquency prevention and control. The Department of Health, Education, and Welfare's (HEW) Office of Youth Development also provides funds directly to the effort.

The Special Analysis section of the President's fiscal year 1976 budget indicates that the Federal Government will spend an estimated \$177.5 million on juvenile delinquency prevention and control efforts. A breakdown of the amount indicates that about 80 percent of the moneys are for programs already being administered by LEAA.

To emphasize the need for prompt and proper implementation of the 1974 act, I would like to briefly discuss problems we noted in the past efforts to coordinate juvenile delinquency programs.

PROBLEMATIC PAST FEDERAL EFFORTS

No Federal agency has identified the significant causes of juvenile delinquency, determined the resources available for combating them, or developed a plan to implement a strategy to address one or more aspects.

The Federal Government's major strategy to prevent juvenile delinquency apparently has been to rely on the myriad of anti-poverty and social welfare programs in hopes that a significant impact would be made.

We cannot say how much greater the increase in juvenile delinquency might have been had those programs not existed, but the strategy, whatever positive impact it has had, has not been effective because juvenile delinquency continues to be a serious problem.

NO EFFECTIVE COORDINATION

Despite efforts dating back to 1948, there has been no effective coordination of Federal juvenile delinquency efforts.

The Juvenile Delinquency Prevention and Control Act of 1968 gave the Secretary of HEW responsibility for coordinating all Federal activities in juvenile delinquency, youth development, and related fields and for providing national leadership in developing new approaches to the problems of juvenile crime. However, these responsibilities were not adequately fulfilled. The 1971 annual report of HEW made a statement which I will quote:

There was little coherent national planning or established priority structure among major programs dealing with the problems of youth development and juvenile delinquency. * * * The present array of programs demonstrates the lack of priorities, emphasis, and direction in the Federal Government's efforts to combat delinquency.

A major problem in the administration of the 1968 Act was the confusion of the roles of HEW and LEAA because the scope of their appropriate laws—the Juvenile Delinquency Prevention and Control Act of 1968 and the Omnibus Crime Control and Safe Streets Act—somewhat overlapped. HEW was to provide assistance to States in preparing and implementing comprehensive State juvenile delinquency plans, and LEAA was to make block grants to the States to address all criminal justice problems including juvenile delinquency.

In 1971 HEW and LEAA redefined their roles:

Each State was to develop a single comprehensive criminal justice plan which would comply with the statutory requirements of both acts.

HEW was to concentrate its efforts on prevention and rehabilitation programs outside of the traditional juvenile justice system.

LEAA was to focus efforts on programs within the system. To assist in the coordination of juvenile delinquency programs, the Congress, in 1971, authorized an Interdepartmental Council composed of representatives from HEW, Justice, Labor, HUD, Interior, Transportation, Agriculture, OEO, OMB, and the Special Action Office for Drug Abuse Prevention.

However, coordinating efforts were made more difficult by the lack of a definition for "juvenile delinquency program." Neither legislation nor executive agencies developed a definition or criteria for use in selecting and designating Federal programs as juvenile delinquency programs. The Interdepartmental Council, in developing a directory of Federal programs in the juvenile delinquency and youth development areas, defined "juvenile" as persons between 1-day-old and 24 years of age. Consequently, programs were included that impact on youth in some way and at various stages of their lives, but their significance to juvenile delinquency, if any, was not known.

Using the directory as a guide, we asked appropriate Federal officials about the relationship of their programs to juvenile delinquency. Most believed their programs did not significantly affect juvenile delinquency, although most did believe their programs helped youth, generally. Many of the officials were unaware of what their programs' roles could or should be in preventing or controlling juvenile delinquency.

INEFFECTIVENESS OF INTERDEPARTMENTAL COUNCIL

The Interdepartmental Council has not been effective in coordinating juvenile delinquency programs primarily because of the lack of adequate funds and staff and the uncertainty by the council about the authority it had to coordinate Federal efforts in the juvenile delinquency area.

The council had to rely on funds provided by the member agencies. Questions arose as to what each of the member agencies could or could not fund with its contributed funds. Further, member agencies

generally did not appoint people to the council with the authority to speak for their agencies or commit funds for council activities. It was difficult to maintain continuity of the chairman, members, or staff. For example, 8 of the 10 member agencies have changed their designated representatives at least once and some as many as three times. After the first year of operation, support staff donated by member agencies dissipated.

Although the 1971 amendment to the 1968 Juvenile Delinquency Act stated that the council was to coordinate all Federal juvenile delinquency programs and prepare an annual report, the act did not indicate what authority the council was to have to coordinate activities by the agencies. After its first year of operation, the council identified a number of major problems and policy issues which it believed required guidance from the White House. In a memorandum to the White House dated February 7, 1973, the chairman of the council, the LEAA administrator, sought guidance regarding:

Proposed national policy objectives and specific agency objectives for both short- and long-term impact on the juvenile crime problem.

A proposed restructuring of the council which would give it authority to implement the proposed objectives, insure the support of its constituent agencies, and provide it with permanent staff and funding support.

The drafting of major legislation in the juvenile delinquency area. The White House did not act on this request.

FEDERAL REGIONAL COUNCILS PLACE LOW PRIORITY ON JUVENILE CRIME

The Federal Regional Councils, established in 1972 in the 10 standard regions to develop closer working relationships between Federal grantmaking agencies and State and local governments and to improve coordination of the categorical grant-in-aid systems, are another mechanism available for coordinating juvenile delinquency efforts. However, they have not been significantly used in this area because of inadequate Washington leadership; an absence of national goals and standards; the overlap between various Federal agencies; and the lack of leadership by LEAA at the regional level.

The two Federal Regional Councils we visited in Boston and Denver did not regard juvenile delinquency as a high priority problem.

Senator BAYH. Excuse me. I don't want to interrupt the statement unnecessarily, but are there regional LEAA councils?

Mr. STAATS. Well, the regional councils are made up of all of the Federal agencies who have major grant programs to State and local governments, and they were designed to provide basics for better coordination of the related programs at the regional level. Now there are ten of these located in places like Chicago, San Francisco, and Kansas City. There are ten of them around the country, and they have determined boundaries for all Federal activity grant programs.

Senator BAYH. I am familiar with them. I wondered why they suggested that juvenile delinquency was not a high priority problem. Did they think crime was a high priority?

OMB ESTABLISHES OTHER HIGHER PRIORITIES

Mr. FOGEL. Generally, Mr. Chairman, Federal Regional Councils are under the guidance of the Under Secretaries who are in Washington, D.C. In working through the Under Secretaries Group and the Office of Management and Budget, they develop a set of major issues to be addressed each year. I think the ones we looked at did recognize that crime and juvenile delinquency was a problem, but there were higher priority issues that they were concentrating on. So I do not think that we could say that there was a total lack of awareness of the problem, but according to the OMB officials we talked to, there were other higher priorities at the time that these councils wanted to deal with.

Senator BAYH. Yes. Well, was there a general understanding that many of the problems that young people have—which lead to juvenile delinquency and ultimately to adult crime—are not presently addressed by the way we now categorize our problems?

Mr. FOGEL. I think the best way to get at that is to look at what we found when we talked not to just the Federal Regional Council people or OMB people, but to representatives of programs and other agencies that we thought directly or fairly indirectly related to the juvenile delinquency issue. Most of these officials did not consciously operate their programs with the intent to try to address the juvenile delinquency problem. For example, the Office of Education had certain programs where they recognized that providing better education might reduce the juvenile delinquency problem for children, but there was not a direct awareness on most Federal program officials part that there was this interrelationship.

Mr. STAATS. We have been interested, Mr. Chairman, in looking at the operation of the Regional Council more generally. We did a report on this for the Congress some time ago. The priorities are essentially determined by the group called the Under Secretaries Group here in Washington. This is a coordinating group made up of the same agencies who participate in the Regional Councils and a liaison between the Under Secretaries Group and the Regional Council is the OMB. It is a fairly loose structure, I must say, and we feel that a lot can be done here in the way of giving post-Council guidance, giving them enough authority delegation to decide themselves what are the things of most concern to that area.

Mr. FOGEL. If you like, Mr. Chairman, we would be glad to insert in the record¹ the digest of that report on the assessment of the Federal Regional Council which was dated January 3, 1974.

Mr. STAATS. The Regional Council potentially could be a very useful instrument in accomplishing the kind of coordination we are talking about here. It is not a substitute for more effective coordination here in Washington. I want to stress that.

STATE AND LOCAL EFFORTS ALSO UNCOORDINATED

Circumstances at the State level in Colorado and Massachusetts, and the local level in Boston and Denver were similar to those at the national level:

¹ See Appendix, p. 185.

Officials of agencies and organizations that had a mandate in the juvenile delinquency area or worked with delinquent or high-risk youth were most aware that their programs could play a role in the prevention and control of juvenile delinquency.

No single agency was responsible for implementing a comprehensive strategy to provide a systematic approach to the juvenile delinquency problems and coordinate the efforts of agencies serving youth.

Very little program evaluation had been done to determine the impact of programs on the problem.

The situation at the State and local levels was due in part to the fragmented way the Federal Government has handled the problem. To help fund their activities, the State and local agencies had to respond to the specific categorical grant programs of the Federal agencies. Each program had its own objectives, requirements, and restrictions. They could not look to one Federal agency to obtain information on funding and other Federal resources in the juvenile delinquency area. There was little incentive for the State and local agencies to coordinate their activities because of the lack of coordination at the Federal level.

ACT TO IMPROVE DELINQUENCY EFFORTS

The Juvenile Delinquency and Prevention Act of 1974 should improve the Federal Government's coordination of juvenile delinquency efforts and thus alleviate many of the problems discussed in our report.

The law provides increased visibility to the problem and a focal point for juvenile delinquency activities in the Federal Government by creating an Office of Juvenile Justice and Delinquency Prevention within LEAA. For the first time, there will be an organizational unit that can identify existing and needed resources, identify and set priorities, and develop strategies to implement a comprehensive attack on juvenile delinquency. Also, for the first time, specific efforts to both prevent and control juvenile delinquency will be the responsibility of one agency. This should provide for innovative prevention programs.

It also establishes within the Office a National Institute for Juvenile Justice and Delinquency Prevention to provide ongoing research into new techniques for working with juveniles, to serve as a national clearinghouse for information on delinquency, and to offer training to personnel who will work with juveniles.

To make the executive agencies more accountable, the law requires executive agencies to submit several different types of annual reports to the Congress. These reports should help focus Federal efforts more precisely and increase Federal, State and local officials' awareness of their roles in the prevention and control of juvenile delinquency.

Provisions have been made for improving the coordination of Federal juvenile delinquency programs, policies, and priorities. The law establishes a Coordinating Council on Juvenile Justice and Delinquency Prevention as an independent organization in the executive branch to be composed of persons who exercise significant

decisionmaking authority in their respective Federal agencies. It authorizes staff and funds for adequately carrying out the functions of the Council.

It also establishes a National Advisory Committee for Juvenile Justice and Delinquency Prevention whose duties include making annual recommendations to the LEAA administrator regarding planning, policy, priorities, operations, and management of all Federal juvenile delinquency programs. Membership includes both government and public representatives to help insure broad expertise as well as new views on methods to combat juvenile delinquency.

The law authorizes new programs of delinquency prevention, diversion from the juvenile justice system and community-based alternatives to traditional incarceration. It also requires LEAA's State Planning Agencies and Regional Planning Units to establish advisory groups to include representatives of citizen, professional, and community organizations related to delinquency prevention.

ISSUES FOR CONSIDERATION

The act, which was enacted in September 1974, has not as yet been funded. The administration did not request any new funds to implement the act in either fiscal year 1975 or 1976. A request by LEAA to reprogram \$10 million of unspent funds under the Safe Streets Act for setting up the new juvenile effort was approved by the House and Senate Appropriations Committees, but the OMB did not approve the implementation plan. Limited funding will almost preclude adequate implementation.

For example, some State criminal justice planning agencies, which apparently are not able to develop adequate, comprehensive plans for spending other LEAA funds, are also required to develop more plans to comply with the 1974 act. There is a question as to whether plans may be noncomprehensive because of inadequate funding of planning efforts or because of the way LEAA and the States have worked together in terms of common purpose and agreed objectives. But the 1974 act gives specific, more extensive emphasis to juvenile issues which may well require additional funds for adequate accomplishment.

Accordingly, the subcommittee may want to examine the extent to which the executive branch is willing to request funds to implement the act. Since juveniles account for almost half the arrests for serious crimes in the Nation, it appears that adequate funding of the Juvenile Justice and Delinquency Prevention Act of 1974 would be an essential step in any strategy to reduce crime in the Nation.

Section 544 of the 1974 act amends the Safe Streets Act of 1968, to require the maintenance of at least the same level of financial assistance for juvenile delinquency programs from law enforcement appropriations as was expended during fiscal year 1972. In view of the administration's proposed budget cuts to LEAA's programs you may also want to look for the fulfillment of this requirement.

Assuming the act is funded, there are several interrelated issues the subcommittee may wish to consider and discuss with the executive branch in carrying out your oversight responsibilities.

NATIONAL STRATEGY

The way LEAA is developing a national juvenile delinquency strategy is one such issue. There are many factors that should be considered in developing such a strategy, but perhaps the most basic is the emphasis that the Nation should give to juvenile delinquency prevention versus rehabilitation programs. Which definition of juvenile delinquency prevention programs should be used? Should emphasis be given to preventing children from committing delinquent acts or should the emphasis be on recidivism reduction?

There has been considerable effort directed, in past years, at rehabilitation to reduce the amount of subsequent crimes committed by adults and youth. Recidivism among juveniles is extensive. Consequently, there is a real need to assess such past efforts to shape future planning and programming for significant impact in this area.

Also important is the consideration of how and when government should intervene to prevent delinquency. Should primary efforts be focused in the schools or in the home or should special institutions and organizations be established to address the problem? At what age group should programs be directed? How should resources be mobilized?

In examining LEAA's actions to develop a national strategy, the subcommittee may wish to discuss with LEAA questions similar to those noted above. We believe it is now appropriate to begin such an examination because LEAA has had over 6 months to implement the act. It is probably unrealistic to expect that such a strategy could be developed to the point where fiscal year 1976 juvenile delinquency funding decisions by other Federal agencies and the States could be based on such a strategy, especially given the lack of such a plan prior to passage of the 1974 act. But we believe such a strategy should be developed during fiscal year 1976 and affect fiscal year 1977 funding decisions.

COMPREHENSIVE STATE PLANS

The State plans, which form the basis for how most of LEAA funds will be spent on juvenile delinquency, will have to be closely related to the national strategy for there to be a national coordinated effort to combat juvenile delinquency. Therefore, the extent to which the State plans reflect the national strategy will depend, in part, on the timeliness with which the national strategy is completed.

The State plans must be comprehensive to insure that all pertinent issues are addressed and that maximum benefits are obtained from available resources. The Omnibus Crime Control and Safe Streets Act, as amended, requires that a comprehensive program for the improvement of juvenile justice, including priorities, must be included in the State plan before the plan may be approved. However, LEAA did not provide the States with specific guidelines for the development of this portion of the State plan.

LEAA and the States are currently developing guidelines for improving juvenile delinquency planning which should impact on how fiscal year 1976 funds will be spent. Accordingly, the subcommittee may want to examine the adequacy of the States' fiscal year

1976 juvenile delinquency planning efforts in terms of meeting the requirements for planning noted in section 223 of the 1974 act and the extent to which they reflect the national strategy as it exists at that time. This would enable the subcommittee to not only assess the adequacy of State planning and LEAA's ability to effectively review such plans, but would also permit implementation of any needed improvements before fiscal year 1977 plans were developed.

COORDINATION

Another issue the subcommittee may want to examine is the extent to which LEAA is able to effectively implement certain provisions of section 204 of the act, such as those which basically give LEAA authority to coordinate and direct certain juvenile delinquency-related efforts of other Federal agencies. Effective use of such authority by LEAA and other agencies' acceptance of it is essential if Federal efforts are to be truly coordinated.

The State plans submitted to LEAA for approval must be comprehensive and address the need to coordinate State and local efforts. This should include providing for coordination of juvenile delinquency programs in areas such as education, health, and welfare. If not, most funds will probably continue to be spent similarly to the way they were in Colorado and Massachusetts at the time of our review, that is, in a relatively uncoordinated manner.

We believe such coordination should become a reality for fiscal year 1977, once LEAA has developed a national strategy and the States have made funding decisions based on comprehensive juvenile delinquency plans.

This concludes my prepared statement, Mr. Chairman. We will be pleased to respond to any questions you may have.

Senator BAYH. Thank you, Mr. Staats.

Are you able, after your study, to come to a conclusion, or reach a judgment, as to whether the general purpose of the Juvenile Justice Act—merging the Federal effort under one roof and trying to emphasize attention to the problem at an earlier time, prevention particularly—is a step in the right direction?

ACT IS NEEDED—IMPORTANT STATUTE

Mr. STAATS. I think the act is a good statute. There are some particular points where the act might have been improved upon, but generally our conclusion is that the act is a needed, very important, step in the right direction.

What has been lacking, of course, is implementation, and that means funds and that means programs, setting of priorities, and working with the States in getting them to develop comprehensive plans. The act itself basically is, we believe, a good statute.

Senator BAYH. Is it not fair to say from listening to your testimony, and from reading the report, that this act is really not going to be implemented unless we can interest those at the highest levels of the executive branch—White House, OMB, Domestic Council—in forcefully carrying out the purpose of the act? Is that a fair assessment?

Mr. STAATS. Yes, I think that it is a fair reading of our report. One of the difficulties, Mr. Chairman, as we have noted in our report, is that the Justice Department really has not had the kind of charter, even though the authority is vested in them, that they need to bring all of the agencies together.

There are a large number of agencies involved. Each one has, you might say, pieces of the problem, elements in their programs which could be directed to the end objective of the statute. But unless there is an Executive order, or unless there is a clear directive on the part of someone who can act in behalf of the President, to tell the agencies what is expected of them—how funds are to be made available, how programs are to be related—I would be very doubtful that LEAA, acting on its own, even with the charter that it has and the statute, is going to be able to do the job.

Now I have worked around the White House for 26 years or more before I came into this job that I am in today. This kind of situation we have here, it would seem to us, is really not all that unusual. Almost in all cases, of the type that we are faced with here—in my own experience—you have to have some directive from the White House to the agencies of the central objective in order to get the job done, irrespective of what is provided in the statute.

The heads of the agencies all report to the President, and look to the White House and OMB for guidance on matters of this type.

Senator BAYH. I do not see that there is much to be gained by loud-voiced, acrimonious, finger pointing. I ask these questions, not with that in mind, but in order to determine whether we placed the authority on the right shoulders, located it in the right places, so as to effectively accomplish the purpose if the will is there at the top echelons. We want to follow through on the suggestions that you have made relative to how, perhaps, we can strengthen this measure. Regarding strengths and weakness at this point your assessment is very helpful.

CONGRESS CANNOT ADMINISTER LAWS

But in the final analysis, Congress is not an administrative body. We can organize the process so that programs can be implemented in such a way to accomplish and maximize the possibility of accomplishing certain goals.

I remember sitting in executive session in 1972 with Senator Cook and Senator Mathias, and we were all disgusted with the delinquency effort being made at HEW. This agency was supposed to be doing the juvenile delinquency work, but they were doing very little. They did not ask—and I am not saying that they were, perhaps, to blame—but at best they were prohibited from asking for resources. There was no relationship between their effort and what LEAA was doing and the other branches of Government. So we developed the coordinating council—the Interdepartmental Council. It, however, did not even meet, for all intents and purposes, as far as aggressively tackling these problems. Thus, it was very unsatisfactory. Then we approved the new Coordinating Council under the new act. Its members have only recently been appointed, and first met last week—despite the fact that the act has been on the books since last September.

economize unless we are going to do a less prudent job of enforcing. Budgetary cuts are going to be felt by you down at the Justice Department, and they are going to come out of LEAA funds, and that means the shoe is going to get pretty tight. That means that we are going to have to have an Attorney General, and an administrator of LEAA, as well as some of us up here on the Hill, who are willing to go to the mat to see that as these cuts are felt we do not have a program that is new and is just getting started totally ignored. That is why I direct your attention specifically to this area.

Mr. LEVI. Well, I think it is a very important program. I must say as a university president who has had to cut budgets, I don't think you can always measure the effectiveness of the program by the amount of money that is spent on it, and I don't mean that to be taken as indicating a lack of interest, because I think this is an extremely important program, and I am certainly going to be a champion for it.

Senator BAYH. I agree with you that there are measures of success other than dollars, but when the budget request is zero I think that question is moot, and where local and State decisions have an impact on LEAA funds, where you have a new program that is just getting started, and we are talking about changes and new representatives on State planning boards with LEAA to try to see whether Congress and the Federal Government that allocates these resources mean business. If I were on one of those planning committees and saw no money in that budget, I would get the message pretty quickly. That is why I think, sir, we have to count on you, and count on our appropriate committees up here to allocate the resources that we need down there in the Justice Department.

Mr. LEVI. But there is a requirement for unified programs, there is a requirement that takes into account the juvenile justice problem, and maybe part of the answer is to make sure that really is implemented.

Senator BAYH. Agreed, but we all know that to implement them is going to take money. I am not talking about—and I want to emphasize this now—we are not talking about mollycoddling young juveniles who commit adult kinds of offenses, who have been in the system, and only their age keeps them from being described as an adult threat to society. We are talking about the commingling of runaways and truants in the system with that other kind of individual which results in breeding a whole generation of those that know all the tricks of the trade.

One of the things that concerns me is that we have some good programs that are started in LEAA, the youth service programs, and many of them, if not all of them, are very successful, but many of them are now faced this fiscal year with having their 3-year grant of Federal funds terminated, and thus we are not going to be able to continue the good work that is being done, let alone implement a new program and expand its provisions unless we get more money.

I will not pursue this further, but I am going to be asking you—if this is not inconsistent—to stand up and to go to the mat at the same time on these important programs.

Mr. LEVI. Well, I will not forget the point.

Senator BAYH. Thank you, sir.

Senator BAYH. Would you address yourselves to the OMB role in this situation? Was OMB given the opportunity to comment on your report?

Mr. STAATS. I defer to my colleagues to respond.

Mr. STANTON. Yes.

Senator BAYH. Did they respond? What was their assessment?

Mr. FOGEL. Yes they did. Mr. Chairman. In accordance with our normal policy, we provided an opportunity for OMB, Justice and HEW to respond to the report, because they were the primary Federal agencies involved. OMB's response was provided to us orally in a meeting; they were not able to provide us a written response, as was the Justice Department.

Basically, OMB stated that they supported the principles set forth in the act, and recognized there is a need for more coordination and better direction in the Federal Government's efforts. And they

pointed out that the President stated that he had supported that, in September of 1974, when he signed the bill.

However, they did not discuss with us the issue of funding; and said that in accordance with the President's statement—at the time he signed the act—that he would not fund this program. That was their decision when we had the meeting.

Senator BAYH. When was that meeting?

Mr. FOGEL. We had a meeting with them on April 4.

Senator BAYH. Was that after the new Director, Mr. Lynn, had been appointed?

Mr. FOGEL. Yes, sir, it was.

Senator BAYH. Was he the one who reached that conclusion?

Mr. FOGEL. No. We met with the Chief of the Budget Examiners for Justice and Treasury Branch, and we are aware that he did talk to some of the higher officials in OMB before reaching this conclusion.

OMB OPPOSES IMPLEMENTATION OF ACT

Senator BAYH. Are you saying that this conclusion came from the top of OMB?

Mr. FOGEL. I do not know. I prefer that you ask the OMB people exactly who it was from. I do know that we accepted it as being OMB's official position, in terms of responding to our report. So in that sense, I think you could say that it was OMB policy.

Senator BAYH. I am more concerned about what their opinion is today. Perhaps there has been a change in judgment? But, it is your opinion from that statement that they are not going to support funds for the act; and, thus would oppose implementation.

Mr. FOGEL. I think that is correct, Senator.

Mr. STAATS. We cannot supply, I am afraid, the background for the statement the President made at the time he signed the act as to why he was not going to fund it. We can only assume that it relates to the policy of not funding new programs in 1976.

Whether this is a new program or not, I think, is a somewhat debatable question in view of the fact that the \$10 million would have been, in a sense, a reprogramming of funds which will be spent anyway.

Senator BAYH. Let me ask you to look at that part of your statement. I think one could assess this act as being a partially new program, inasmuch as it changed focus and changed emphasis. The bulk of the resources and much of the programming was to come from a reorganization and meshing together from those agencies—both private and public—who are already doing a job and seeing that they did it more effectively.

So I suppose you could interpret this either as an old or a new program—perhaps both. Both the House and the Senate agreed to reprogram up to \$20 million for funds that had been returned to LEAA under programs administered through the Safe Streets Act, and thus to start implementation of the new act by using old funds.

So that for those who are concerned about expenditures and new appropriations, it seemed to us that this was a way to start to refocus our emphasis and deal with this problem of crime—safe streets and cities—in a more effective way, at an earlier stage, without immediately obtaining new money.

OMB RENEGED ON REPROGRAMMING REQUEST

Now our understanding is—at least, as of this moment—that OMB reneged on earlier representation to Congress and has refused to reprogram any available dollars, even though Congress has approved this use.

Can you give us your assessment: first, of the wisdom of this; and, second, whether OMB was justified in rejecting this reprogramming request?

Mr. STAATS. Well, as I have indicated, Mr. Chairman, I believe Mr. Lynn will have to speak to questions of whether and on what basis they made this judgment. It was obviously a judgment reached, either at OMB or the White House. But it would appear, to me at least, that this is not new money; it is a reformulation of funding within a total program to deal with crime and juvenile delinquency.

So that once the money that is now made available to the States is not used by the States, it does come back to LEAA, and it can be spent. It is not a question of saving that money; it is a question, really, of how it is programed. That is the way, at least, it seems to us.

Senator BAYH. We will have a chance to talk to Mr. Velde about this later on. I have found him to be cooperative; or, at least, to understand what Congress is trying to accomplish here.

We have spent a tremendous amount of money through LEAA. Some of it has been well spent; but with some of it, I think, one might question the return on the investment as to whether it has really had an effect on lessening crime. The statistics show that whatever the approach to the problem has been in the past, it must have failed. Crime continues to increase. We were hopeful that, in addition to a new program, we could redefine the ways moneys are now being spent. This did not mean we had to get solely a major new commitment. We need some new moneys, but we should get an equal amount of reprogramming into more effective approaches.

Mr. STAATS. The additional point, Mr. Chairman, that we have made—and which I think needs emphasis—is that if we are to move ahead with this program, even for fiscal year 1977, it is important to have more money available for planning. Because, we see that even if we start today, we are going to need most of fiscal year 1976 to do an adequate job of planning so that you can spend money effectively in 1977. So it is important to have that money available at the earliest possible time.

WHOSE DECISION TO STOP PROGRAM?

Senator BAYH. In the conversations with OMB, were you able to determine whether the decision to stop this program had come from the White House—whether the President had really been involved, or whether he had been advised.

I am concerned that, collectively, we have not sent the message to him. Maybe it is being shortstopped with someone else in the White House.

Mr. FOGEL. Mr. Chairman, we had no indication from OMB officials as to who, exactly, made the decision. However, we were aware of an article that appeared in the March 18 edition of The Washing-

ton Post which discussed a staff memo prepared by OMB personnel. This not only talked about some of the progress and problems that LEAA is having, but also noted that they had recommended—this is at the staff level within OMB—up to \$40 million worth of funding for this act. In fiscal 1976, I think it was.

Now we are not aware at what level above that a decision was made not to go along with that recommendation; but we would have to assume that it was either at the director's level of OMB, or that the White House was involved.

Senator BAYH. Someone must have lost the papers on their way to the reviewers.

ANALYSIS IN FORD BUDGET FACULTY

Now you cite that Special Analyses Section on the President's budget, indicating the Federal Government will spend an estimated \$177.5 million on juvenile delinquency prevention and control efforts, and that 80 percent of these moneys are for programs in LEAA.

Could you break down those figures more specifically for us? Of the 80 percent, where and for what is that going to be spent? Of the remaining \$35.5 million, who is spending it and what for? Do you have any idea what proportion of these total moneys are for prevention?

[EXHIBIT NO. 2]

TABLE N-3 - FEDERAL OUTLAYS FOR THE REDUCTION OF CRIME BY MAJOR PROGRAM AND SELECTED ACTIVITY¹
(In thousands of dollars)

Major program and selected activity	Outlays		
	1974 actual	1975 estimate	1976 estimate
Crime research and statistics:			
Statistics on crime, criminals, and criminal justice system.....	31,509	37,988	37,342
Research on criminal behavior and sociology of crime.....	64,661	72,401	72,881
Program total.....	96,170	110,389	110,223
Reform of criminal laws.....	3,292	3,907	3,879
Services for prevention of crime:			
Public education on law observance, enforcement, and crime prevention.....	26,158	27,620	18,964
Special programs for the rehabilitation of narcotic addicts.....	146,771	223,351	227,113
Prevention and control of juvenile delinquency.....	168,992	169,951	177,509
Development of other community crime prevention services.....	42,507	35,682	32,255
Program total.....	384,428	456,604	455,841
Criminal law enforcement:			
Investigations into violations of Federal criminal law.....	676,992	781,236	839,177
Federal protection of individuals and facilities.....	51,285	56,453	63,063
Assistance to State and local governments for enforcement.....	183,449	221,599	234,287
Program total.....	911,726	1,059,288	1,136,527

¹ Defense Department outlays for crime reduction are not included in this analysis. However, a summary of Defense Department outlays for law enforcement are estimated as follows (in thousands of dollars):

	1974	1975	1976
Department of Army.....	312,874	327,169	341,726
Department of the Navy.....	11,633	11,662	9,248
Department of the Air Force.....	430,824	433,102	451,406
Total, Department of Defense.....	755,331	771,933	802,380

Mr. FOGEL. The best indication we have is from information we have gathered from LEAA in developing our April 21 report. In the OMB special analyses the way the breakdown is—and these are actual fiscal 1974 figures—that about 80 percent is LEAA money, about 19 percent was HEW's money, and 0.6 percent was from the Department of Defense—and they cite the Panama Canal Zone. We are not aware what funds in the Panama Canal Zone are being used for the prevention of juvenile delinquency.

Senator BAYH. The Panama Canal Zone?

Mr. FOGEL. Yes. I think you would have to ask the Defense Department or OMB officials for the details of how that money is being spent for delinquency control and prevention.

Mr. STAATS. It is a very small amount, less than 1 percent.

Mr. FOGEL. The best information we have on a breakdown of LEAA funds is for fiscal 1972. Even these are rough estimates, however. Since then LEAA has gone back to try to recalculate very specifically what they have spent for fiscal 1972 in light of the act's requirement that they maintain the 1972 funding level effort.

During fiscal year 1972, LEAA estimates that about \$136 million was spent on juvenile delinquency. About \$41 million went to rehabilitative programs; about \$21 million went specifically for prevention programs, and there were certain other areas—they had about \$33 million going to upgrading resources in this area—about \$1 million for drug abuse, and about \$16 million for diversion. So I think that you could say that—linking both diversion and prevention—possibly as much as up to \$37 million out of \$136 million went directly for prevention efforts.

Senator BAYH. Is it possible to investigate the validity of this assessment?¹

Mr. FOGEL. Do you mean of the funding figures?

Senator BAYH. Yes.

You see what concerns me—and I say this with the new administrator sitting here, fully recognizing that he is not fully responsible for the actions of his predecessor—is that we were not able to get a concrete breakdown of how LEAA was spending money for juvenile programs. All we could get was vague estimates. It was not until we introduced and passed in the Senate a provision requiring first a 20 percent, and then in the following year a 30-percent commitment of all LEAA funds to juvenile delinquency that we were even able to get the LEAA to listen to us—that we really meant business. [See Exhibit 3.]

Then we got a 19-percent figure, and that is what I am particularly concerned about. Our new act, as you know well, has a much larger commitment of old moneys than new moneys the first year. We are talking about \$140 million of old moneys that ought to be being invested now in juvenile delinquency prevention under the maintenance of effort section of the act.

Though we are concerned about the request for new money, which we are handling up here, I think it is even more important that we nail down those percentages of old moneys that are being spent. You can do a lot of prevention with that kind of money.

Do you have an assessment? Is it correct to say that we are spending

¹ See testimony of Mr. Velde on p. 80; admitting figure to be \$112 million and that \$136 million was inflated. See also Exhibit 9, chart I, p. 87.

ing 21 percent on prevention? Is there any way of really nailing that down?

Let me give you examples of answers we have. The moneys that are spent for food stamps have been suggested, in the past by other agencies, as being part of the juvenile delinquency prevention program. Or that police cars and officers riding in them are really part of the juvenile delinquency prevention program.

Well, of course, we need those things. But, certainly, I do not think that Congress, in passing this act, intended for moneys that were used for normal law enforcement vehicles and personnel, and other very important tasks, be considered as part of this new program designed to prevent, or at least lessen, the need for hardware.

[EXHIBIT NO. 3]

[Extract from the Congressional Record, June 28, 1973, pp. S 12441-21]

LAW ENFORCEMENT ASSISTANCE AMENDMENTS

AMENDMENT NO. 287 TO AMENDMENT NO. 248, TO H.R. 8152

Mr. BAYH. Mr. President, I ask unanimous consent that the amendment be considered as read.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Amendment (No. 287) is as follows:

On page 12, line 13, after the period, insert the following: "No State plan shall be approved as comprehensive, unless it includes a comprehensive program for the improvement of juvenile justice, as defined in part G, section 601(n), and provides that at least 20 percentum of Federal assistance granted to the State under parts C and E for the first fiscal year after enactment of this section be allocated to such comprehensive program for the improvement of juvenile justice, and that at least 30 per centum of Federal assistance granted to the States under parts C and E for any subsequent fiscal year be allocated to such comprehensive program for the improvement of juvenile justice."

On page 52, after line 23, insert the following:

"(n) 'A comprehensive program for the improvement of juvenile justice' means programs and services to prevent juvenile delinquency, rehabilitate juvenile delinquents, and improve the juvenile justice system, which includes, but is not limited to, the following:

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

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

"(3) community-based programs to support, counsel, provide work and recreational opportunities for delinquents and youth in danger of becoming delinquent;

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

"(5) educational programs or supportive services designed to keep delinquents or youth in danger of becoming delinquent in elementary and secondary schools or in alternative learning situations;

"(6) diagnostic facilities and services on a statewide, regional, or local basis;

"(7) expanded use of probation as an alternative to incarceration, including programs of probation, subsidies, probation caseloads commensurate with recognized optimum standards, the recruitment and training of probation officers and other personnel, and community-oriented programs for the supervision of juvenile probationers and parolees; and

"(8) programs and services, including training of court and correctional personnel, to improve the administration of juvenile justice, and to protect the rights of juveniles."

Mr. BAYH. Mr. President, I wish to emphasize the fact that this amendment has not only the endorsement but the strong support of the distinguished Senator from Kentucky (Mr. COOK), the distinguished Senator from Maryland (Mr. MATHIAS), and my following distinguished colleagues: Mr. Abourezk, Mr. Bentsen, Mr. Case, Mr. Hart, Mr. Humphrey, Mr. Kennedy, Mr. McGovern, Mr. Nelson, Mr. Pearson, Mr. Scott, Mr. Hatfield, Mr. Gravel, Mr. Cannon, and Mr. Javits.

Mr. President, I have the good fortune of serving on the Judiciary Committee with the floor manager of this bill, the distinguished senior Senator from Arkansas (Mr. McCLELLAN). I know how hard he and the other members of that committee including the distinguished Senator from Nebraska, have labored to provide strong and effective legislation in this area.

The amendment the Senator from Indiana proposes at this time is not designed to find fault with their efforts. Rather, it is designed to carry out the responsibility that the Senator from Indiana has as the chairman of another very closely related subcommittee of the Judiciary Committee, the Juvenile Delinquency Subcommittee.

The Senator from Indiana thinks that this measure, which is cosponsored by the 15 other Senators I have mentioned, will make it possible for us to control crime with more efficiency and with a higher degree of success.

Mr. President, as chairman of the Juvenile Delinquency Subcommittee, I know beyond question that juvenile delinquency is one of the most critical aspects of the crime problem facing our Nation today. The statistics are alarming, and too often ignored. During the past decade, for example, arrests of juveniles under 18 for violent crimes, such as murder, rape, and robbery, jumped 193 percent. During the same period, arrests of juveniles for property crimes, such as burglary and auto theft, increased 99 percent. Recidivism among juvenile offenders is currently estimated to be between 74 and 85 percent. One can only conclude that existing programs are inadequate and ineffective.

Today I am offering an amendment to the bill extending the Law Enforcement Assistance Administration which will be an important first step in reversing this alarming trend. Two of my distinguished colleagues on the Juvenile Delinquency Subcommittee, Senator COOK, the ranking minority member, and Senator MATHIAS, are joining with me in introducing this measure.

Our amendment requires a State to allocate 20 percent the first year, and 30 percent in every subsequent year, of the LEAA block grants it receives to a comprehensive program to improve juvenile justice. Our amendment does not authorize any additional appropriations: it simply insures that States will allocate crime control funds more nearly in proportion to the seriousness of the juvenile delinquency problem than is now the case.

While the percentages vary from State to State, more than half the States allocated at least 20 percent of their LEAA funds to juvenile delinquency in fiscal 1971. In my own State of Indiana, for example, 21.3 percent of the block grant funds were allocated to juvenile delinquency programs in fiscal 1971. Although State by State percentage breakdowns are not available for fiscal 1972, the average percentage of block grants allocated to juvenile delinquency has increased slightly this past year to 21 percent. Thus, our amendment, which requires that 20 percent of block grant funds be allocated to juvenile delinquency programs the first year and that 30 percent be allocated in any subsequent year, would allow the States adequate time to make the necessary transition.

In light of the fact that juveniles account for half the crime problem in this country, we believe that our amendment requires only the minimal acceptable effort. To do less would be unthinkable.

During the past 2 years, the Juvenile Delinquency Subcommittee has conducted numerous hearings and heard from countless witnesses about the failure of our existing effort to prevent and control juvenile delinquency. We have learned that the juvenile justice system too often makes hardened criminals of first offenders through a woefully unsatisfactory program of incarceration and nonrehabilitation. We have learned that it is far more effective as well as less expensive to treat a first-time juvenile offender with intensive probation services, while he remains at home, than to lock him away in an institution. We have learned that nothing less than a dedicated effort—like the one this amendment will begin—has a chance to reverse the alarming upward spiral of juvenile delinquency.

It is the shame of the entire system of justice in this country that once a teenager is arrested for experimenting with marihuana or stealing a car for a joyride that the treatment he is likely to receive can set him off on a life of crime which might easily have been prevented.

Hundreds of thousands of young children enter the juvenile justice system because they are charged with juvenile status offenses, such as running away from home or being truant from school. These children have done nothing criminal; rather, they are the victims of parental and societal neglect. Too often, these children are locked up with sophisticated offenders in institutions where they are physically beaten, homosexually assaulted, or terribly neglected. We need programs to respond to the needs of these young people, programs that will help them remain in their families, their schools, and their communities. We cannot be assured of these progressive programs unless we act—act now to pass this amendment.

The amendment which the Senator from Kentucky and the Senator from Maryland and I, as members of the Juvenile Delinquency Subcommittee, are offering today is designed to strengthen the effort that our Nation is making to prevent that first juvenile offense and to try to rehabilitate that offender once he or she has committed that juvenile offense.

If we look at the statistics, we see that 95 percent of all adult felons have juvenile records, and that half the crimes in this country are committed by youngsters not old enough to vote. These are alarming facts which point to one very sad conclusion: whatever we are doing in the area of prevention and rehabilitation has been a dismal failure.

The Senator from Indiana and those who have joined him in this effort are trying to apply the age-old principle that an ounce of prevention is worth a pound of cure. If by investing more of our resources, we can get the young people back in school, if we can provide dispositional alternatives to a juvenile court judge, instead of incarcerating juveniles in jail with hardened criminals or sending young people to reform schools which do not rehabilitate them. Instead, if we can provide adequate resources to deal with the problems of young people, perhaps many more young people can avoid criminal lives.

Very simply, Mr. President, the amendment before us would do two basic things. First of all, it would require that any State, in its comprehensive planning application for LEAA block grant funds, would have to include a comprehensive program for treating the problems of juvenile delinquents and potential delinquents.

Second, and of equal importance, we are going to assure that each State gives adequate attention to the problems of juvenile delinquency. We need to do more than talk about rehabilitation and correction. We are going to require the States to invest 20 percent the first year, and 30 percent in every subsequent year, of their block grant funds in this comprehensive juvenile justice component.

This amendment is not a straitjacket. It is not tying the hands of the State; rather it is requiring them to invest in a wide variety of prevention and treatment programs so that the juvenile may be retained in his home, in his school, in his community; community-based programs and services to work with parents and other family members; community-based programs to support, counsel, provide work and recreational opportunities; comprehensive programs of drug abuse education and prevention; educational programs and supportive services designed to keep delinquents in the school system.

We are trying to get this country to commit within a year 30 percent of LEAA resources in a wide variety of programs to prevent juvenile delinquency, rehabilitate juvenile delinquents, and to improve all aspects of the juvenile justice system.

I would like to ask the opinion of the Senator from Arkansas concerning the effect of a voice vote—assuming the pending amendment is accepted, will we have just as good a chance of sustaining the Senate position in conference on a voice vote as if we require all Senators to come back at this hour for a rollcall vote?

Mr. McCLELLAN. Mr. President, I am in full accord with the general purposes of the amendment.

The States are spending that much money now for juvenile purposes. If we take it all together, they are already spending more than 21 percent directly,

and if we take into account all the other money for correctional and other purposes, it would probably reach 30 percent all together, if we allocate the proper part of it to the juvenile effort.

This is setting a precedent. But as far as the 30 percent is concerned, I have no objection to it. I would be glad to give the amendment my support to that extent. I cannot tell the Senator whether the House would be adamant or not.

Mr. BAYH. May I inquire—

Mr. McCLELLAN. Whether I am going to make an out-and-out, life-and-death fight I do not know. I do not know what the situation will be, and the Senator knows I do not know that until I get there.

Mr. BAYH. No one knows what the situation will be, but we are faced here—

Mr. McCLELLAN. If the Senator wants a rollover, that is all right with me. I try to accommodate everyone.

Mr. BAYH. I do not want to insist on a rollover, as long as the manager of the bill will tell us what interpretation is going to be put in the Record. I appreciate the fact that the Senator has accepted our amendment's requirement that 30 percent of each State's LEAA block grant funds must be allocated to juvenile delinquency prevention and treatment programs. That may be the answer to the question. I yield back the rest of my time. I ask unanimous consent to dispense with the request for the yeas and nays.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendments offered by the Senator from Indiana, the Senator from Kentucky, and the Senator from Maryland (putting the question).

The amendment was agreed to.

NO ADEQUATE DEFINITION OF DELINQUENCY PROGRAM

Mr. FOGEL. Mr. Chairman, as we have pointed out in our report, that has been one of the problems in the past; that there has been no adequate definition of what the juvenile delinquency program is. And those types of programs you have cited have always been included in figures that have related to juvenile delinquency.

One of the efforts that LEAA has underway—and I think this is required in some of the reporting requirements of the law—is that they define more precisely what juvenile delinquency programs are so they can get a dollar figure to tie down those programs which are directly related to control of juvenile delinquency. Our understanding is that LEAA has implemented a way to try to better focus on programs which relate to delinquency.

But in response of your earlier question, I think it is possible for us to take a look at LEAA's figures. And I know recently they have done some more work to try to get a more accurate figure on what they have spent during fiscal year 1972. I am sure Mr. Velde and his staff have that information, but it is possible for us to go back and look at that information once they present it and try to determine the accuracy of how they categorize those funds.

Senator BAYH. Is there any way that you can help us? We might be in a very objective search, perhaps tilting in another way? Is there any way that you, as an objective referee, could look at this? It is very important.

Mr. STAATS. What Mr. Fogel is saying, it seems to me, Mr. Chairman, is that the right approach is to come into agreement first on definitions as to what constitutes a juvenile delinquency program; then I believe the pricing out is relatively easy. But until there is agreement as to definition as to what a program is, it is going to be very difficult to get agreement on the dollars.

Senator BAYH. Are we talking about LEAA expenditures?

Mr. STAATS. Yes. This would also be true of any other agency.

Senator BAYH. Well, you are right, except that in determining the funding programming level of this new act, we are tied to LEAA moneys expended. The whole thrust of what we are trying to accomplish is to broaden the interpretation of juvenile delinquency programs in LEAA. If we are going to get prevention we are going to have to do that.

But I think it is grossly unfair to add Labor funds, HEW, social security funds, in assessing this effort.

Mr. STAATS. The LEAA grants to States also have to be thought of here. These are essentially block grants. That does not in any sense, however, prevent us from having a reporting system on how they budget their money against program definitions, and how they spend that money against program definitions.

Senator BAYH. That is why a lot of the moneys that were in juvenile delinquency were in the block grant programs. Well, given the understanding that we still have not nailed down a definition, can you in the weeks ahead help us try to understand at varying levels of definition what the funding levels are? Would you do that? We are going to have to work together on this with you and LEAA.

Mr. STAATS. Yes. We would be happy to work with you.

Senator BAYH. You say right now we have a real problem getting money for planning; that the act requires money immediately in order to start providing the basic plans on which you can ultimately fund programs. Is this one of the real concerns that you have?

Mr. STAATS. Yes.

PREVENTION VERSUS REHABILITATION

Senator BAYH. In your statement you point out that we have to make a decision as to how much emphasis to put on prevention versus rehabilitation. Have you had a chance in your study of this problem to make an assessment about present or past efforts at rehabilitation?

There is a great deal of discussion about rehabilitation, a lot of chest pounding and breast beating about how the benevolent society has been trying to rehabilitate those who run afoul of its laws. But looking at the recidivism rate, one begins to wonder just how much preventing we are doing especially when you listen to the track records of how we treat status offenders, runaways, and truants.

One comes to the conclusion that it almost defies common sense to understand how you can expect to rehabilitate youngsters who are incarcerated with those who have committed much more serious offenses than they have. Can you give us your assessment of whether we are really rehabilitating anyone right now?

Mr. STANTON. Sir, we have not really done much work in this area. We have just initiated a review of the Federal Bureau of Prisons Institutions for Youthful Offenders, but it will be several months before we would have a report on that.

Mr. FOGEL. We did do some previous work in LEAA looking at certain projects which were designed to improve the criminal justice system and reduce crime. Two of the types of projects we looked

at were directly related to juvenile delinquency, youth service bureaus and group homes for juveniles. And we were able to determine in that work that there were varying degrees of success that these youth service bureaus and group homes for juveniles had in preventing recidivism by the juveniles.

The problem that we ran into, though, was that neither LEAA or the States had defined sufficiently, in our view, the objectives in these types of operations or the types of data needed to be collected to make an assessment from the national standpoint. This resulted in difficulties in trying to say whether they were basically effective. But we would be glad, if you would like, to supply that information on recidivism.¹

Senator BAYH. I wish you would. I think LEAA, the Justice Department, and perhaps even the White House would like to have that kind of information. I certainly would, because I have seen youth services bureaus. I understand how they work. Some are working and some are not. It depends on the operation. Calling it a youth service bureau does not mean it is going to solve the problem.

I am hopeful about the youth service approach, because it is a comprehensive approach. If administered properly and staff does not compartmentalize the problem, it brings it all together and deals with all the interrelated aspects of the problem.

Have you had a chance to examine whether the provision of the act which requires advisory groups with one-third of the membership under the age of 26 have been implemented by the States?

CONFLICTING REPORTS AND DIRECTIVES

Mr. FOGEL. Mr. Chairman, we are aware that there were some conflicting reports and directives provided by people to the State planning agencies as to whether or not they should move ahead with changing the composition of their advisory groups. We also know that LEAA has very recently contacted the State planning agencies to try to get a handle on how they are setting up the necessary mechanisms to comply with the act, and this is one of the specific issues they requested the States to respond on. We do not know what those responses are, but I would suggest that the LEAA witness would probably have some indication of how the States are coming. But we are aware that LEAA has not been sitting still. They have been trying to implement some actions to get the new act going.

I think it is important to point out that in appendix 1 of our April 21 report, the Assistant Attorney General for Administration notes that, because of the complexities inherent in developing a new office without an appropriation, LEAA has had some difficulties in funding and getting the new act going. But they have recently issued some draft guidelines to the States that they must follow if they want to establish comprehensive plans under the 1974 act. They have also set aside about \$8.5 million discretionary funds available to LEAA to formulate a program to keep juvenile status offenders out of traditional correctional facilities; and they have done several

¹ See Appendix, p. 180.

other things in trying to plan how they might allocate their own staff and develop some new juvenile justice standards.

Senator BAYH. I would appreciate it if in your future study, you include a review of what response we are getting from the State and local levels. However concerned we are, or LEAA becomes, ultimately the sensitivity of the program is going to be determined at the local level—and to a lesser degree at the State level. When we look at some of these LEAA State planning advisory boards and regional units, and find that no one has had any experience in juvenile delinquency or youth programming, then it is reasonable to expect the way these programs are administered in that State, or at the local level, is not going to be as sensitive to this problem as they should be. These changes are imperative and anything you can provide would be helpful.

Now, you point out that you have been using a directory as a guide to find the relationship between the agencies in juvenile delinquency and youth area programs. I guess it was a directory of Federal programs in juvenile delinquency youth areas developed by the old interdepartmental council that I am referring to; and that in discussing this, or asking questions of Federal officials about the relationship of these programs to juvenile delinquency, many of them were unaware that they could or should be doing anything to prevent juvenile delinquency. Could you elaborate on that?

Mr. FOGEL. Yes, sir; we could. I think we made this point earlier. Most of these Federal officials were aware, for example, that their programs might relate to youth activities from a mental health standpoint, as officials in the Drug Abuse and Mental Health Association stated to us. But they were not administering the program specifically with the intent to have an impact on juvenile delinquency, and they really did not consider that issue in administering the programs. For example, Social and Rehabilitation Service officials who deal basically with welfare and medicaid, stated that they did have programs that dealt specifically with youth development, but that they had not intended to specifically relate to juvenile delinquency and youth criminality. I think that was fairly true of statements we got from the Department of Labor officials and OEO officials, and even HUD officials. We think that those responses indicate that the Congress' decision to require juvenile delinquency developmental statements from agencies that the administration eventually determine should relate to juvenile delinquency, should overcome this problem. Our belief was that some of these programs could relate to juvenile delinquency, especially prevention, and that by requiring these agencies to develop these developmental statements, you could make them more aware of how their programs might have an impact on juvenile delinquency. But I do not think it is fair to criticize them because they did not administer the programs with this intent, because that was not the basic intent of their legislation.

WHITE HOUSE BURIES LONG-TERM JUVENILE CRIME PROPOSALS

Senator BAYH. The reason I think that question is very significant is that it was on the basis of these same departments and sub-departments that, in 1973, before this subcommittee, HEW and

1974. In addition, the task group has been delegated the responsibility for coordinating its functional activities with other LEAA offices and other governmental agencies to avoid duplication of effort and ensure effective program delivery. Ten of the 15 individuals on the task group are professionals, and the group has been allotted five additional temporary professional positions. To date, the operations of the task group have included such activities as:

1. *Development of guidelines.*—Guidelines are being developed in a variety of areas under the new legislation. The need for guidelines can generally be broken down into those which are required immediately and those that will be necessary for the proper implementation and administration of the new act on a continuing and long-term basis. Among the guidelines required immediately are those (a) specifying the mechanism needed to meet the fiscal year 1972 level of funding as required by the new Juvenile Delinquency Act, and (b) assuring representation of individuals on the State advisory board who are knowledgeable of juvenile justice and youth programs.

2. *Development of fiscal plans.*—Essentially, two fiscal plans have been developed to fund new juvenile justice programs. One involves \$20 million of LEAA fiscal year 1975 discretionary funds, and the other involves \$10 million of LEAA fiscal year 1974 reversionary funds.

Public Law 93-415 authorizes \$75 million to LEAA for implementing the Juvenile Justice and Delinquency Act of 1974. No new funds have been sought by the Department as the President, when signing the act into law, indicating he would not seek new monies due to his policy of fiscal constraint. However, preliminary discussions to reprogram \$10 million of reversionary funds for juvenile justice programs are currently underway among the Department, OMB and the Congress. The reversionary funds are intended to supplement the approximately \$20 million in discretionary grant monies budgeted by LEAA in the juvenile area during fiscal year 1975.

Actions are already underway to implement the plan involving LEAA discretionary funds. The primary thrust of this plan involves the deinstitutionalization of status offenders. This effort is designed to have a significant and positive impact on the lives of thousands of youths who are detained and/or institutionalized each year for having committed offenses which would not be considered criminal if committed by an adult.

It is contemplated that the above plans will provide the necessary impetus to launch the juvenile justice program and enable the orderly and efficient use of funds under the new act without requiring major amounts of current year funds or committing the administration to substantial additional funding in future years. No effort can be made to begin a State formula grant funding activity under the new Juvenile Justice and Delinquency Prevention Act until funds are provided under the new legislation.

3. *Development of a work plan.*—One of the first objectives of the task group was to develop a work plan for fiscal year 1975. This objective entailed reviewing and integrating the existing juvenile delinquency work plans of LEAA's Office of National Priority Programs and National Institute of Law Enforcement and Criminal Justice.

4. *Information dissemination.*—As a means of disseminating information pertaining to provisions of the act to affected and/or interested parties, a slide presentation has been developed. The slides have been used to orientate both central office and regional office personnel of LEAA, the executive committee of the State Planning Agency National Conference, and several public interest groups that have requested information about the new legislation.

5. *Transfer of functions from the Department of Health, Education, and Welfare (HEW) to LEAA.*—There have been several formal meetings between the staffs of HEW and LEAA to facilitate the effective and orderly transfer of program responsibilities from HEW to LEAA in accordance with the new legislation and to lay the groundwork for further coordinating efforts.

In addition, the President has appointed 21 representatives to the National Advisory Committee on Juvenile Justice and Delinquency Prevention as mandated by the Act. The members of the committee are scheduled to hold their first meeting April 24-25, 1975. The Interdepartmental Council established in the HEW Act and charged with the responsibility to coordinate all Federal juvenile delinquency programs has been replaced under LEAA's

legislation with the Coordinating Council on Juvenile Justice and Delinquency Prevention. The first meeting of this council has been delayed due to the recent turnover in the President's cabinet. All relevant material has been sent to the Office of the Attorney General.

We appreciate the opportunity to comment on the draft report. Should you have any further questions, please feel free to contact us.

Sincerely,

GLEN E. POMMERENING,
Assistant Attorney General
for Administration.

LEAA SHOULD PROVIDE NATIONAL LEADERSHIP

Mr. FOGEL. Well, I think that this response is basically consistent with the position that LEAA has taken in administering their programs under the Safe Streets Act. They believe their role is to provide certain technical assistance funding and research guidance to the States, and try to work with the States in a cooperative effort to develop effective programs. Now, basically, in our reports to the Congress on LEAA activities, we had not taken exception at all to the block grant concept.

Our main concern, though, is that LEAA provide enough national leadership to provide accountability in the broadest sense of the word; not just fiscal accountability, program accountability to the Congress for the way Federal funds are spent, and that they also take an effective leadership role in saying how they think that Federal funds could best be spent for the programs. I think that their response to our April 21 report does raise some question as to whether LEAA is interpreting the 1974 Juvenile Delinquency Act to give it the same mandate for leadership and direction as is interpreted in the Safe Streets Act. Our reading of the laws is that the Juvenile Delinquency Act of 1974 provides LEAA a stronger basis for providing direct national leadership. But, I think you would have to question administration witnesses to see whether they are interpreting "New Federalism" to mean that they do not want to try to provide aggressive leadership.

Mr. STAATS. It is true they do not have authority to order the States in this area, but it is a question of leadership on developing guidelines, and sitting down with them to try to work out the problems.

Senator BAYH. Of course, we did write it into law, and the law does now say that there should be a change of complexion, as far as the SPA and regional units are concerned at the State level; and stressed the importance of bringing private agency people on board at the regional and local level.

Mr. STAATS. It is accomplished through approval or disapproval of the State planning—

Senator BAYH. Right.

Mr. FOGEL. And there is every indication that in LEAA's guidelines that the States must follow in developing these plans, that they are going to require the States to fulfill the requirements, and that they do intend to try to aggressively monitor the States' actions, to make sure that they conform.

Senator BAYH. That is good to know.

The Assistant Attorney General for Administration, Mr. Pommerening, where is his mandate for suggesting that the "New

Federalism" is going to be an impediment in carrying out this congressional mandate. Who is he speaking for?

Mr. FOGEL. Our normal procedure in the Justice Department, when we submit draft reports for comment, is to address our letters to the Attorney General. He has the Assistant Attorney General for Administration respond, but he is speaking for the Justice Department as a whole. So in this instance, he is not only speaking for the Department, but also for LEAA.

Mr. STAATS. His role basically Mr. Chairman, is to coordinate all views in the Department, and give us a departmental position.

Senator BAYH. Well, gentlemen, I appreciate very much your thoughts, and we will look forward to working with you.

Mr. STAATS. We will be happy to help in any way we can. We will try to follow up.

Senator BAYH. I hope that you will. Again, I want to thank you for your contribution to date. I think that we are beginning to develop a greater national awareness now, and an awareness in the minds of a number of officials who have administrative responsibilities. Rather obviously, we still have not reached everybody with the message. I wish, in talking about the "New Federalism" business—whatever that means—it were not necessary for us to sit here on Capitol Hill and try to put together a program with restrictions and guidelines that will ultimately reach down to the home communities of every State in the Nation. But what we are doing now has not worked. We are failing dismally. I think one of the reasons we are failing dismally is that we are locking too many barn doors after the horses are out. We are not really aggressively dealing with the problems of young people in trouble before they become serious, complex and unmanageable. Then, the expenditures of all of the money in the world is really not going to have the end results we want.

So we appreciate your response.

Mr. STAATS. Thank you very much.

Senator BAYH. Our next witness is Mr. Richard W. Velde, the administrator of the Law Enforcement Assistance Administration, the U.S. Department of Justice.

Mr. Velde, we appreciate your being with us.

Mr. VELDE. Good morning, Mr. Chairman.

Senator BAYH. I mentioned before you arrived, and again after you were here, that we appreciate the special attention you are giving this responsibility.

Mr. VELDE. Thank you very much.

Senator BAYH. Please proceed, we are looking forward to what you have to say this morning.

STATEMENT OF RICHARD W. VELDE, ADMINISTRATOR, LAW ENFORCEMENT ASSISTANCE ADMINISTRATION; ACCOMPANIED BY MARK J. DAVIS, LEGAL ASSISTANT, OFFICE OF CONGRESSIONAL LIAISON, LEAA, DEPARTMENT OF JUSTICE

Mr. VELDE. Thank you. I am accompanied by Mr. Mark J. Davis. Mr. Chairman, I have a statement which would take approximately

20 minutes to read. It has been submitted for the record.¹ I could proceed if that is your desire, or submit to questioning. I know that you have a heavy schedule of witnesses.

Senator BAYH. You may either read or highlight your statement.

Mr. VELDE. All right, sir.

Mr. Chairman, I am pleased to appear today before the Senate Subcommittee To Investigate Juvenile Delinquency to discuss the efforts undertaken by the Law Enforcement Assistance Administration to address the problem of juvenile delinquency and to implement Public Law 93-415, the Juvenile Justice and Delinquency Prevention Act of 1974.

I hardly need to emphasize before this subcommittee the seriousness of juvenile criminality in the United States today. Nevertheless, it is a fact that in the 13 years from 1960 to 1973, arrests of persons under 18 years of age for homicide, forcible rape, robbery, aggravated assault, and other FBI part I offenses have increased by more than 144 percent. During the same period, arrests for persons 18 and over increased only 17 percent. Almost 45 percent of those arrested for part I crimes were juveniles; 23 percent of those arrested for violent crimes were juveniles. In addition, it is noteworthy that the LEAA-sponsored National Crime Panel Survey indicated that, while juveniles are more likely to be the victims of crime than any other age group, a great deal of juvenile crime goes unreported. In fact, the age group 12 through 19 represents the largest category of unreported crimes. This finding is particularly important when considered together with the "Uniform Crime Report" figures which I cited previously.

VIOLENT OFFENDER AGE-LEVEL LOWER

The situation seems no brighter this year. The overall crime picture continues to be very serious, and the contribution of the young and very young grows even larger. The average age of the violent offender falls each year.

We are fast approaching or surpassing the level of violent crime which the citizenry of many of our major urban areas can tolerate. The rate of homicides per 10,000 population has now come within several tenths of a percent of the level of the record year of 1933. It is also notable that violence is more likely today than ever before to be committed between strangers, and to occur outside of traditionally violence-prone areas.

As a consequence, youthful offenders today face a substantial possibility in many jurisdictions, either in law or in fact, the favored legal status which they have enjoyed since the early years of this century. It is crucially important, therefore, that those who believe in a juvenile justice system dedicated to the reintegration of youthful offenders into useful roles in the community take steps to increase that system's effectiveness. I might add Mr. Chairman, that attempts to divert the so-called status offenders from the juvenile justice system may be having an unintended backlash effect. Many of these juveniles are being charged with more serious crimes and losing their protected status.

¹ See p. 46.

Senator BAYH. There are many parts to this puzzle, but certainly one of the significant parts is status offenders—what can society do to lessen the number of status offenders? Are you saying that a young person or persons who commit a strictly status offense or offenses are charged for more serious offenses, is that what you are saying?

Mr. VELDE. Yes. It appears that many young people who have been classified as status offenders have also committed more serious acts. In the past, they may not have been charged for these infractions. Juveniles are, however, now being frequently charged with these serious offenses. This seems to be the case in the State of Texas which, as you know, Mr. Chairman, changed its State laws in 1973 to enable diversion of status offenders from the juvenile justice system. The juvenile population in State institutions went down considerably in the wake of that change in the law, but now the population seems to be growing again. It appears that one of the reasons for this increase is the fact that young people have previously been classified as status offenders are now being charged with the more serious offense. This is certainly not the intent of the new law, but does seem to be occurring in some cases.

Senator BAYH. It is, of course, one thing to say you have a status offender if he or she runs away from home or does not go to school; but it is another thing to say that while he or she is not in school they steal television sets. It seems to me that we are talking about different things. The question that concerns me is the response we had to the first offense, the status offense, like putting a truant in boys' school. This may put him in close contact with those who have committed more serious offenses; so that after they are back out on the street again, they are much better skilled at committing more serious offenses.

Mr. VELDE. I don't want to overemphasize this situation, Mr. Chairman. We are looking at the accumulating evidence and believe it important to bring the situation to the subcommittee's attention.

Reintegration of juvenile offenders into society, was a primary purpose of the Juvenile Justice and Delinquency Prevention Act of 1974. The act substantially increased the Federal Government's role in fostering reform in the Nation's juvenile justice system, consolidating the bulk of such activities within the Law Enforcement Assistance Administration of the Department of Justice. LEAA was chosen as the focus of this new responsibility largely because of the Agency's substantial involvement and experience in juvenile justice and delinquency prevention programs.

NO BUDGET REQUEST SUBMITTED BY ADMINISTRATION

As you are aware, Mr. Chairman, President Ford indicated when he signed the act into law last September that no new funds would be requested for the program until the general need to restrict Federal spending has abated. He noted at that time that the Federal Government was spending a significant amount annually for juvenile programs. This year, the President has stated his intention to pro-

pose no new spending initiatives in areas other than energy and national defense. Because the need to restrict Federal spending has not yet abated, no budget request for this act has been submitted by the administration for either fiscal year 1975 or 1976.

LEAA, nevertheless, has been taking administrative steps to respond to as many aspects of the act's mandate as possible, using our existing resources. Even before enactment, a task force was established in August of last year to prepare plans for implementation. The task force developed initial organizational and staffing proposals.

After the act became law, an organizational unit was created to manage all existing juvenile programs in LEAA and prepare for initiation of new programs. Staff previously assigned to the Juvenile Justice Division of LEAA's Office of National Priority Programs and the Juvenile Delinquency Division of the National Institute of Law Enforcement and Criminal Justice were detailed to a new Juvenile Justice and Delinquency Prevention Operations Task Group on November 18, 1974. This group has been augmented by three positions and now consists of 13 persons who are devoting their full time to the administration of previously authorized programs, funding of research projects, and implementation of the new act. A proposed reorganization plan creating the Office of Juvenile Justice and Delinquency Prevention, as specified in the act, was approved by the Department of Justice last Friday, April 25, 1975.

Senator BAYH. You have an office established?

Mr. VELDE. Yes. The Office of Juvenile Justice and Delinquency Prevention replaces the task force I discussed. We have no additional positions authorized at this time other than the complement of 13 that I mentioned. This is an organizational step that is a legal necessity in order that we may make certain internal organizational changes.

Senator BAYH. Would this office, be run by the Assistant Administrator if and when he or she is ever appointed?

Mr. VELDE. That is correct.

Senator BAYH. Do you have any indication about when that might happen? What can we do, together, to increase the chances of it happening rapidly?

Mr. VELDE. I understand that there is presently effort underway in this area. This job, although created by the terms of the new act, must, under the terms of other law, be classified by the Civil Service Commission. Since it is an appointment, the specific grade is not specified in the law.

Sena.or BAYH. Are you saying the reason this person hasn't been appointed is that the "poor old" Civil Service Commission has been falling down on the job?

Mr. VELDE. Not falling down, sir. It is a "Catch-22"-type situation: which comes first, the chicken or the egg?

Senator BAYH. Are you sure it's not a Harry Truman pass-the-buck situation? [Laughter.] And I don't direct that at you, but at others, because I frankly feel you are anxious to get this matter resolved.

Mr. VELDE. We are anxious, of course, to implement the act.

Senator BAYH. What do we need to do now? Who needs the request? And why has the request not been made of Civil Service to come up with a classification?

Mr. VELDE. A request has been made.

Senator BAYH. When?

Mr. VELDE. A request to classify the position of Assistant Administrator as a GS-18 was forwarded by LEAA to the Department of Justice on February 14, 1975, and by the Department to the Civil Service Commission on February 25, 1975. The Civil Service Commission was originally unable to classify the job because it had no idea of the number of personnel or the responsibilities of the office since the office had not been created as an organizational entity. There could be no office created unless there were resources made available, and so on down the line. We think, Mr. Chairman, that these impediments now have largely been removed and there presently are individuals under consideration that are undergoing the nomination process within the administration for consideration by the President. I am hopeful that now that these legal and other impediments essentially are out of the way, this process will be accelerated.

Senator BAYH. It is fair to say—without putting myself in defense of the Civil Service Commission, which I don't think needs me to defend it—that they are much more able to make a classification if there has been a request for funds and personnel, which gives them some idea about what the class to be classified will be; is that not true?

Mr. VELDE. Yes, sir. I do not intend to criticize the Civil Service Commission at all.

HOW TO GET PROGRAM INITIATED?

Senator BAYH. All right. I did not interpret it that way. I just wanted to make sure we could finally resolve this problem. Before I get the top man on the Civil Service Commission on the horn and ask what's going on, I would like to have a little better understanding as to where we are.

I think we are back where we were: at "go," namely. How do we get the program initiated through funding and programing requests?

Mr. VELDE. The act calls for the establishment of two bodies to assist LEAA in implementation of the new program. A National Advisory Committee for Juvenile Justice and Delinquency Prevention, composed of 21 members has been appointed by the President. The first meeting was held in Washington on April 24 and 25 under the leadership of its chairman, J.D. Anderson of Omaha. A highlight of that meeting was a luncheon address by the chairman of this subcommittee.

Senator BAYH. What was that you said?

Mr. VELDE. By yourself, sir.

Senator BAYH. I thought you said something about highlight. I wasn't there for the whole meeting; I am sure that was an exaggeration.

Mr. VELDE. I don't think so, sir.

The Coordinating Council for Juvenile Justice and Delinquency Prevention consists of the heads of the Federal agencies most directly involved in delinquency and youth programing, and is chaired by the Attorney General. Attorney General Levi presided over the first meeting of the Coordinating Council on April 22.

One of LEAA's major efforts over the past 7 months has been to marshal all available resources to begin implementation of the act, while still keeping within the existing budgetary restraints. LEAA has attempted to make maximum use of the approximately \$20 million of action and research funds which it had already allocated to the juvenile delinquency area for fiscal year 1975. In that regard, Mr. Chairman, I had a computer search made of our data base of grants. I would submit, for the subcommittee's records, a summary printout, dated April 24, which indicates that in fiscal year 1975 to that date there have been 37 categorical grant awards for juvenile delinquency programs. Other funds set aside for juvenile justice and delinquency prevention will push this year's total substantially beyond the \$20 million initially allocated for these purposes. Included in this total are funds for a discretionary grant program that we recently announced for deinstitutionalization of status offenders. We have allocated \$8.5 million for this effort. None of that has as yet been awarded.

This computer printout shows the categorical awards for the past 4 fiscal years. Over 300 projects are accounted for. If the subcommittee wishes, we can make this document available.

Senator BAYH. We would like to have that, if you please.

Mr. VELDE. All right, sir.

[EXHIBIT NO. 5]

LEAA CATEGORICAL GRANTS FOR JUVENILE JUSTICE SINCE FISCAL YEAR 1972

	Amount awarded	Number of grants
Fiscal year:		
1972.....	\$18,867,005	123
1973.....	17,841,006	89
1974.....	13,592,651	74
1975.....	19,353,227	57
Grand total.....	69,653,889	323
Items retrieved.....		323

LEAA SEEKING TO REPROGRAM FUNDS

Mr. VELDE. The States have also been encouraged to initiate similar programs with their existing block grant funds.

Additionally, LEAA is seeking authority to reprogram available funds from existing appropriations for juvenile justice and delinquency prevention efforts. If the request is approved, the actual amount put to use will depend upon the amount of funds reverting to the agency. Our latest estimate, Mr. Chairman, made in early April, is that approximately \$14 million will be coming back to LEAA. However, it should be noted, Mr. Chairman, that the De-

partment of Justice has requested to transfer some of these funds for other needs of the Department of Justice. These requests for reprogramming are now pending with the House and Senate Appropriations subcommittees. There are two requests, totaling approximately \$7 million. That would cut down the total available for reprogramming to about \$7 million to serve the juvenile delinquency program. Those requests were transfers to the Department and have not yet been approved by the Congress.

Senator BAYH. Well, those requests are some time after previous reprogramming requests for the \$20 million were agreed to by the Congress directing the money for use under this new act. Is that right?

Mr. VELDE. That is correct. This is operating under the assumption, Mr. Chairman, that the reprogramed funds would not be available for LEAA's use.

Senator BAYH. Could you give us a breakdown as to what the requested services are for which this money has been requested?

Mr. VELDE. The Department's request?

Senator BAYH. Yes. The way I understand it, this takes money out of the pot that Congress has already gone on record specifying they want to program in this Juvenile Justice Program.

Mr. VELDE. That is correct, sir.

Senator BAYH. I don't need that right now, but I would like to have that so I can give it personal attention.

Mr. VELDE. Yes, sir, I can supply that for the record.¹

Let me proceed to describe activities which LEAA has undertaken during the past 7 months to effectuate congressional intent as expressed in the Juvenile Justice and Delinquency Prevention Act. To the extent possible under the legal authority of the Omnibus Crime Control and Safe Streets Act, LEAA has attempted to use its existing funds so as to carry out the most important of the new act's purposes.

The act's provisions can most easily be described under four broad categories—the concentration of Federal efforts; the initiation of a new formula grant program for the States; the creation of a new "special emphasis" funding program at the Federal level for six specified objectives outlined in the act; and the commencement of a number of research, evaluation, and training activities by a National Institute for Juvenile Justice and Delinquency Prevention.

In the area of concentration of Federal efforts, I have previously mentioned the first meeting of the Federal Coordinating Council which was held last week.

Senator BAYH. Mr. Velde, before you move on, let me ask, when you say "the commencement of a number of research evaluation and training activities by a National Institute of Juvenile Justice and Delinquency Prevention", has that, in fact, been established?

Mr. VELDE. Yes, sir. By the Department of Justice order of last Friday which also established the Office of Juvenile Justice and Delinquency Prevention.

¹ See Appendix, p. 274.

Senator BAYH. So you have acted pretty quickly. This is Wednesday.

Mr. VELDE. We already have authority to spend funds for juvenile justice research under the formerly existing National Institutes—\$4 million allocated to that institute are being made available for such purposes this fiscal year.

Senator BAYH. The important thing is as of last Friday, about 6 months after the act passed, you now have an Executive order establishing this national institute?

Mr. VELDE. Not an Executive order; an order from the Department of Justice. The Department has the necessary organizational authority.

Senator BAYH. The authority is there?

Mr. VELDE. Yes, and it has now been exercised.

Senator BAYH. How long does it take to get a program implemented after the authority has been granted? In other words, can you transfer some of these things immediately, or does it take some time? What is the prognosis as far as the future?

ABSENCE OF RESOURCES CAUSED DELAY

Mr. VELDE. Mr. Chairman, there are a number of questions in that regard. Certain legal and organizational changes can be effectuated almost immediately. The key question, however, is whether or not the resources are available to breathe life into the organizational structure. The absence of such resources has been a primary reason for the delay, not lack of organizational authority to proceed. We have not had the resources in terms of money and permanent personnel being allocated to implement the program.

Senator BAYH. Would it be possible under the institute program to look, for example, at those youth service bureau programs and see which ones succeed and which ones fail and why?

Mr. VELDE. Yes, sir. We have a number of evaluation efforts underway in the juvenile area, including a hard look at certain youth services bureaus. A 3-year evaluation effort of the deinstitutionalization program in Massachusetts is underway. A large 5-year program, now in its fourth year at the University of Michigan, is expected to produce a national assessment of the effectiveness of juvenile programs. There are a number of additional evaluation efforts underway. These will be expanded as more funds and staff become available.

As you know, Mr. Chairman, under the terms of the 1973 amendments to the Omnibus Crime Control and Safe Streets Act, LEAA was given a mandate, a directive from Congress, to evaluate its programs. Because juvenile crime is so much a part of the overall crime problem, this is an area on which we will continue to place heavy emphasis.

The Coordinating Council for Juvenile Justice and Delinquency Prevention, at its April 22 meeting, discussed its general course of action for the immediate future. Three specific activities to pursue were chosen. First, the council will undertake a budget analysis of juvenile delinquency programming of the various Federal agencies

to show where the moneys are being spent and to suggest ways in which program organization can be improved.

Second, the council will have prepared a compendium of all delinquency projects funded by the Federal Government, with cross indexes to their subject matter and other common features. It was additionally agreed that a special study should be done on Federal research activities in this area. A similar study has been done in the drug abuse area. By using this prior study as a model, it is believed a portfolio of research projects can be put together very quickly.

Finally, a major paper will be commissioned to identify a limited number of important areas on which the council can focus its attention to assure that appropriate activity is taking place.

We have taken steps to prepare for the State formula grant program by drafting programmatic and fiscal guidelines for implementation. These are now undergoing external clearance.

I have attached as an appendix to my statement the draft guidelines,¹ as well as other pertinent guidelines which have been promulgated.

LEAA's regional offices have been monitoring the progress of the State planning agencies in bringing their supervisory boards into compliance with the new requirements. A significant number of the States have already initiated the necessary changes, despite the often complicated administrative and legislative action required. As of last Friday, Mr. Chairman, we had received responses from 40 out of 55 State planning agencies to our inquiries as to the status of their compliance. Fourteen indicated they were in full compliance. Another six to eight indicated they were in substantial compliance. The balance were in various stages of compliance. Only a few indicated that they had not made any progress.

We have a May 9th deadline for these responses to come in. The next opportunity we will have to ensure compliance will be in connection with the fiscal 1976 planning grant applications that the State planning agencies will submit to us early this summer.

A similar situation occurred in the wake of 1971 amendments to our enabling legislation, whereby regional planning units were required to have a majority of local elected officials placed on their boards. We found that through close scrutiny of these planning grant applications, including in a few cases the actual withholding of planning funds, we were able to bring them into compliance.

Mr. Chairman, I do not anticipate, over the period of the next 2 or 3 months, any significant problem in bringing the States into compliance in this area.

Senator BAYH. Excuse me. That involves not only State compliance but local and regional compliance, as far as States with a number of young people.

GOVERNOR'S RESPONSIBILITY TO APPOINT BOARDS

Mr. VELDE. The Governors of the various States generally have the responsibility under the law for appointing these bodies. Unless the authority has been delegated, it is up to the Governor to effectuate

¹ See p. 50.

changes in their makeup. Legislative action is also, sometimes, required. As you know, there are 15 new Governors this year. Many Governors are starting from scratch and totally reconstituting their Advisory Boards. In some States a substantial number of changes are being made across the board.

Senator BAYH. What about the requirement that regional local planning elements have representation in private organizations as well as your other requirements?

Mr. VELDE. The survey, which I mentioned, is looking into compliance with these requirements. May 9th is the deadline for the responses to this questionnaire. It appears that there will not be substantial problems regarding compliance nationwide. I am sure there may be a few exceptions in some States, but we do not anticipate any significant problem at this time.

In the area of categorical special emphasis or discretionary grants, the Juvenile Justice and Delinquency Prevention Task Force Group has made progress in its attempt to replan the uses to which it will put approximately \$14.5 million of fiscal year 1975 funds remaining at its disposal. Almost \$7 million of these funds will be awarded to applicants whose requests for support for a variety of innovative juvenile justice programs were pending at the time the new act was passed. As I mentioned previously, the remaining funds have been earmarked for the discretionary grant program involving deinstitutionalization of status offenders. Guidelines for this program which were issued last month. We can make additional copies available.

Senator BAYH. I would like to have one for our records.¹

Mr. VELDE. There is considerable interest in this new program. Mr. Chairman. In fact, we have already gone through three printings of the guideline book. Our supply has been very quickly exhausted.

Senator BAYH. Do you suppose that the fact that the guidelines are a bestseller indicates the kind of public interest or public concern that exists in the country as far as this whole program is concerned?

Mr. VELDE. I would not necessarily use it as a measure or gage of general public concern. However, among the professionals in the juvenile area who are familiar with Federal aid programs, there are indications this would be an extremely popular program. This assessment is based on not only legislative priorities of the act, but on evaluative data and a recognition of the realities of the costs of institutional programs.

With respect to the National Institute for Juvenile Justice and Delinquency Prevention, the act calls for a wide variety of activities in four basic areas. The research personnel of the Operations Task Group, the core of the new Institute itself, utilizing approximately \$3.7 million in research funds available out of our current research budget for the fiscal year, are implementing programs in three of these areas. Slightly more than one-third of these funds have been awarded for projects previously identified. The remaining \$2.4 million are being used for purposes contemplated by the act.

For the information of the subcommittee I am including as an appendix to my testimony a compendium of all outstanding LEAA

¹ See Appendix, p. 267.

discretionary and research grants and contracts in juvenile delinquency areas.

Mr. Chairman, with your permission, I will submit the balance of my statement for your record, including the attachment and appendix.

Senator BAYH. Without objection, we will put that all in the record.

[Mr. Velde's testimony continues on p. 76.]

PREPARED STATEMENT OF RICHARD W. VELDE

Mr. Chairman, I am pleased to appear today before the Senate Subcommittee To Investigate Juvenile Delinquency to discuss the efforts undertaken by the Law Enforcement Assistance Administration to address the problem of juvenile delinquency and to implement Public Law 93-415, the Juvenile Justice and Delinquency Prevention Act of 1974.

I hardly need to emphasize before this subcommittee the seriousness of juvenile criminality in the United States today. Nevertheless, it is a fact that in the 13 years from 1960 to 1973, arrests of persons under 18 years of age for homicide, forcible rape, robbery, aggravated assault, burglary, larceny and auto theft—the FBI's part I crimes—increased by more than 144 percent. During the same period arrests for persons 18 and over increased only 17 percent. Almost 45 percent of those arrested for part I crimes were juveniles; 23 percent of those arrested for violent crimes were juveniles; juveniles accounted for 51 percent of the arrests for serious property crimes. In addition, it is noteworthy that the LEAA-sponsored National Crime Panel Survey indicated that, while juveniles are more likely to be the victims of crime than any other age group, a great deal of juvenile crime goes unreported.

The situation seems no brighter this year. The overall crime picture continues to be very serious, and the contribution of the young, and very young, grows even larger. The average age of the violent offender falls each year.

We are fast approaching or surpassing the level of violent crime which the citizenry of many of our major urban areas can tolerate. The rate of homicides per 100,000 population has now come within several tenths of a percent of the level of the record year of 1933. It is also notable that violence is more likely today than ever before to be committed between strangers, and to occur outside of traditionally violence-prone areas.

As a consequence, youthful offenders today face a substantial possibility in many jurisdictions of losing, either in law or in fact, the favored legal status which they have enjoyed since the early years of this century. It is crucially important, therefore, that those who believe in a juvenile justice system dedicated to the reintegration of youthful offenders into useful roles in the community take steps to increase that system's effectiveness.

This was a primary purpose of the Juvenile Justice and Delinquency Prevention Act of 1974. The act substantially increased the Federal Government's role in fostering reform in the Nation's juvenile justice system, consolidating the bulk of such activities within the Law Enforcement Assistance Administration of the Department of Justice. LEAA was chosen as the focus of this new responsibility largely because of the Agency's substantial involvement and experience in juvenile justice and delinquency prevention programs.

As you are aware, Mr. Chairman, the President indicated, when he signed the act into law last September, that no new funds would be requested for the program until the general need to restrict Federal spending has abated. He noted at that time that the Federal Government was spending a significant amount annually for juvenile programs. This year, the President has stated his intention to propose no new spending initiatives in areas other than energy and national defense. Because the need to restrict Federal spending has not yet abated, no budget request for this act has been submitted by the administration for either fiscal year 1975 or 1976.

LEAA, nevertheless, has been taking administrative steps to respond to as many aspects of the act's mandate as possible. Even before enactment, a task force was established to prepare plans for implementation. The task force developed initial organizational and staffing proposals.

After the act became law, an organizational unit was created to manage all existing juvenile programs and prepare for initiation of new programs. Staff previously assigned to the Juvenile Justice Division of LEAA's Office of National Priority Programs and the Juvenile Delinquency Division of the National Institute of Law Enforcement and Criminal Justice were detailed to a new Juvenile Justice and Delinquency Prevention Operations Task Group on November 18. This group has been augmented by three positions and now consists of 13 persons who are devoting their full time to the administration of previously authorized programs, funding of research projects, and implementation of the new act. A proposed reorganization plan specified in the act, is currently under discussion within the Department of Justice.

Pending establishment of the Office, the Department has not submitted a recommendation to the President for the position of Assistant Administrator for the Office of Juvenile Justice and Delinquency Prevention. Civil Service Commission action on classification of the Assistant Administrator position is also being awaited. Frederick P. Nader and John M. Greacen have been identified as the persons who will fill the positions of Deputy Assistant Administrator of the Office and Deputy Assistant Administrator for the National Institute for Juvenile Justice and Delinquency Prevention. Personnel actions for their appointment to these positions are pending creation of the Office itself. Mr. Nader is currently serving as Acting Assistant Administrator and Director of the Operations Task Group. Mr. Greacen is assisting the Task Group in the formulation of the programs which will fall within the responsibility of the new Institute.

The act calls for the establishment of two bodies to assist LEAA in implementation of the new program. A National Advisory Committee for Juvenile Justice and Delinquency Prevention, composed of 21 members qualified in the field, has been appointed by the President. The first meeting was held in Washington on April 24 and 25 under the leadership of its Chairman, J. D. Anderson of Omaha, Neb. A highlight of that meeting was a luncheon address by the chairman of this subcommittee, Senator Bayh.

The Coordinating Council for Juvenile Justice and Delinquency Prevention consists of the heads of the Federal agencies most directly involved in delinquency and youth programming, and is chaired by the Attorney General. Attorney General Levi presided over the first meeting of the Coordinating Council on April 22.

One of LEAA's major efforts over the past 7 months has been to marshal all available resources to begin implementation of the act, while still keeping within the existing budgetary restraints. LEAA has attempted to make maximum use of the approximately \$20 million of action and research funds which it had already allocated to the juvenile delinquency area for fiscal year 1975. The States have been encouraged to do the same with their existing block grant funds.

Additionally, LEAA is seeking authority to reprogram available funds from existing appropriations for juvenile justice and delinquency prevention efforts. If the request is approved, the actual amount put to use by the Agency will depend upon the amount of funds reverting to the Agency.

Let me proceed to describe activities which LEAA has undertaken during the past 7 months to effectuate congressional intent as expressed in the Juvenile Justice and Delinquency Prevention Act. To the extent possible under the legal authority of the Omnibus Crime Control and Safe Streets Act, LEAA has attempted to use its existing funds so as to carry out the most important of the new act's purposes.

The act's provisions can most easily be described under four broad categories—the concentration of Federal juvenile delinquency efforts; the initiation of a new formula grant program for the States to allow for State-planned and funded delinquency programming; the creation of a new "special emphasis" funding program at the Federal level for six specified objectives; and the commencement of a number of research, evaluation, and training activities by a National Institute for Juvenile Justice and Delinquency Prevention.

CONCENTRATION OF FEDERAL EFFORTS

The new act provides for the Coordinating Council for Juvenile Justice and Delinquency Prevention to serve as the basic vehicle for the coordination and unified planning of the Federal Government's juvenile programming. That

effort is now underway with that body's first meeting having been held on April 22, as I indicated previously. The Council discussed its general course of action for the immediate future, choosing three specific activities to pursue. First, the Council will undertake a budget analysis of juvenile delinquency programming of the various Federal agencies to show where the moneys are being spent and to suggest ways in which program organization can be improved. Second, the Council will have prepared a compendium of all delinquency projects funded by the Federal Government, with cross indices to their subject matter and other common features. Finally, a major paper will be commissioned to identify a limited number of important areas on which the Council can focus its attention to assure that appropriate activity is taking place. Included for pursuit could be areas where there are presently major knowledge gaps and which afford promising directions.

STATE FORMULA GRANT PROGRAM

LEAA has taken steps to prepare for it by drafting programmatic and fiscal guidelines for its implementation, by assuring the completion of several other changes in the operation of the Safe Streets Act program mandated by the new act, and by planning for the allocation of additional juvenile justice planning funds to the States.

Programmatic guidelines for the formula grant program have been drafted and are currently being reviewed by affected public interest groups. Fiscal guidelines have been completed and are presently in internal clearance within LEAA. For the subcommittee's full information, I am pleased to submit copies of all guidelines developed to date.

The Juvenile Justice and Delinquency Prevention Act amended the Omnibus Crime Control and Safe Streets Act in two significant ways. It requires representatives of community groups and public and private juvenile program personnel to be included on State planning agency supervisory boards. And, it requires LEAA to maintain funding for juvenile programs under the Safe Streets Act at a level at least equal to expenditures in fiscal year 1972.

LEAA's Regional Offices have been monitoring the progress of the State planning agencies in bringing their supervisory boards into compliance with the new requirements. A large majority of the States have already made the necessary changes, despite the often complicated administrative and legislative action required. A guideline implementing the maintenance of effort requirement is currently in internal clearance. We expect no difficulty in assuring that the awards in the juvenile area for this fiscal year will reach the computed fiscal year 1972 level of expenditure of \$112 million.

Assuming the availability of funds, the Juvenile Justice and Delinquency Prevention Operations Task Group expects to transfer up to \$14 million to the States during the current fiscal year to provide them with additional resources for planning in the juvenile delinquency area. This amount would allow each State planning agency to add one full-time juvenile planner to its staff.

CATEGORICAL SPECIAL EMPHASIS PREVENTION AND TREATMENT GRANTS

The Juvenile Justice and Delinquency Prevention Task Group has made major progress in its attempt to replan the uses to which it will put approximately \$14.5 million of remaining fiscal year 1975 Safe Streets Act funding currently at its disposal. Approximately \$6.8 million of these funds will be awarded to applicants whose requests for support for a variety of innovative juvenile program approaches were pending at the time the new act was passed.

The remaining \$8.5 million has been earmarked for a major new program to encourage the removal of juvenile status offenders—youths who become involved in the juvenile justice system for conduct which would not be criminal if committed by an adult—from detention and correctional institutions. "Deinstitutionalization" of status offenders, as you know, Mr. Chairman, is one of the major focuses of the new act. Every State receiving formula grants under the act will be required to assure that it will remove all such status offenders from secure institutions within 2 years after submitting its first plan for funding.

The status offender initiative is representative of the program planning approach which LEAA plans to take in the future for all major juvenile delinquency discretionary and "special emphasis" funding efforts. Areas of special importance will be identified by careful analysis of congressional intent, by a review of pertinent research findings, and through a comprehensive planning process. Program strategy will then be translated into guidelines which will receive widespread scrutiny from knowledgeable practitioners and researchers in the field. Special teams will be enlisted to advise us on the formulation of these programs and to maximize the extent to which projects funded may be evaluated. Final guidelines will be widely disseminated and applications solicited. Awards will be made to the best applicants and the projects implemented. Nationwide evaluation should provide information on the effectiveness of particular approaches, as well as of the program as a whole.

The Operations Task Group plans to undertake a demonstration program similar to the deinstitutionalization initiative which would encourage the diversion of youthful criminal offenders from formal juvenile justice processing. In future years, similar concentrated funding programs will be planned to prevent delinquency and to develop effective responses to serious juvenile crime.

In conjunction with its major program initiatives, the Task Group is also planning for the provision of technical assistance in advanced program techniques and methods. The \$1.6 million of LEAA's technical assistance funds have been allocated for this purpose in fiscal year 1975.

NATIONAL INSTITUTE FOR JUVENILE JUSTICE AND DELINQUENCY PREVENTION

The new act calls for a wide variety of activities in four basic areas to be undertaken by the authorized research institute. The research personnel of the Operations Task Group, utilizing approximately \$3.7 million of research funds available, are implementing programs in three of the areas. Slightly more than one-third of these funds have been awarded for projects previously identified. The remaining \$2.4 million are being used for purposes contemplated by the act. For the information of the subcommittee I am including as an appendix to my testimony a compendium of all outstanding LEAA discretionary and research grants and contracts in the juvenile delinquency area.

In the area of information gathering and dissemination, LEAA's National Criminal Justice Reference Service has increased its capability to provide information relating to juvenile delinquency and its prevention. The Task Group has prepared a variety of material on the new act for dissemination to interested individual and organizations. LEAA has agreed to assume responsibility for the Department of Health, Education, and Welfare's Juvenile Court Statistics program, and has awarded funds to the National Council of Juvenile Court Judges to begin an assessment of juvenile court information systems. Additionally, LEAA's National Criminal Justice Information and Statistics Service will soon be publishing its 1972 and 1973 surveys of youths in juvenile institutions.

One of the major roles of the new institute is to provide evaluation support for action program. Approximately 60 percent of the funds currently available to the research arm of the Task Group is allocated to the planning and conducting of the evaluation of the status offender initiative described previously. A series of assessments of common juvenile delinquency program types is also being conducted in conjunction with the National Evaluation Program of the National Institute of Law Enforcement and Criminal Justice. "Phase I" assessment of program activities in the areas of youth service bureaus, alternatives to incarceration, diversion, alternatives to detention, and delinquency prevention have been or soon will be funded.

Other problem assessment activities are underway or are in the planning stage to address the increasing levels of juvenile gang violence in large cities, and the growing problem of school violence, as recently documented by this subcommittee. Also to be addressed is the development of effective means of coping with the behavior of serious juvenile offenders.

Training is presently being carried out under several of the programs of LEAA's Office of Technology Transfer are related to juvenile delinquency programs. One provides regional training in effective crisis counselling tech-

niques. Another effort offers an introduction to the work of the Providence Education Center. This is a successful project funded by the LEAA High Impact Program in St. Louis, which provides remedial education and counseling services for youths referred by the Juvenile court.

In the field of research, several ongoing efforts, initiated by the National Institute of Law Enforcement and Criminal Justice, will be continued. One project will provide projections of future crime and delinquency trends, as well as likely institutional responses. It is hoped that additional research money provided from reprogrammed reversionary funds will be used to address problems of the serious juvenile offender.

The new act requires LEAA, acting with the advice of a subcommittee of the National Advisory Committee for Juvenile Justice and Delinquency Prevention, to promulgate standards for Federal, State, and local juvenile justice activities. This is to be done within 1 year of passage of the act. The task group has begun a series of activities which it hopes will result in the announcement of some standards within that time frame. A joint commission of the American Bar Association and the Institute for Judicial Administration will receive continued funding for standards development efforts. In addition, a grant in the amount of \$447,565 has recently been awarded to provide support for a nationally representative Task Force to Develop Standards and Goals for Juvenile Justice and Delinquency Prevention. By utilizing the results of these efforts and obtaining the assistance of the Coordinating Council to elicit the views of affected federal agencies, the staff will seek to develop standards for some areas of juvenile justice, together with plans for their implementation, by next September.

In conclusion, Mr. Chairman, I assure you that LEAA has been actively pursuing means that will allow adequate implementation of the programs mandated by the Juvenile Justice and Delinquency Act of 1974, while at the same time observing the fiscal restraints which the President has indicated are necessary on behalf of all Federal agencies. Increasing the effectiveness of all juvenile programs funded by LEAA is one of the agency's major priorities. We have taken our responsibilities under this important legislation seriously, and have worked earnestly to observe congressional intent and follow as many of the act's mandates as possible.

SUPPLEMENTAL TESTIMONY OF RICHARD W. VELDE

DRAFT AND FINAL GUIDELINES IMPLEMENTING CERTAIN ASPECTS OF THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974

Guideline Dealing with Make-Up of State Planning Agency Supervisory Boards, March 21, 1975—M 4100.1D

Section 2. Basic administrative requirements

15. *Application format.*—This section contains the basic administrative elements required for the full planning grant application. The basic requirements are set out in block type and specified as Application Requirements. For planning grant applications these administrative elements (Requirements) need to be submitted only if they have been changed or if the requirement has changed. However, the State Planning Agency must submit with the application, the completed certified checklist contained in appendix 2-5.

16. *State planning agency supervisory board.*—(a) *Authority.*—(1) *Establishment.* The act authorizes LEAA to make grants to the States for the establishment and operation of State law enforcement planning agencies for the preparation, development and revision of the State plans. LEAA requires that the State Planning Agency have a supervisory board, (i.e., a board of directors, commission, committee, council, etc.) which has responsibility for reviewing, approving, and maintaining general oversight of the State plan and its implementation. Since the SPA supervisory board oversees the State plan and its implementation, it must possess the "representative character" required by the act.

(2) *Application Requirement.* By what State authority does the State planning agency supervisory board exist? Attach documentary evidence authorizing the State planning agency supervisory board to function as stated above.

(b) *Organization/Composition.*—(1) *Representatives Character.* The act requires that the State Planning Agency supervisory board must be representative of law enforcement and criminal justice agencies, including agencies directly related to the prevention and control of juvenile delinquency, units of general local government, public agencies maintaining programs to reduce and control crime, and shall include representation of citizens, professional and community organizations, including organizations directly related to delinquency prevention. An individual may serve as a member of a State Planning Agency or regional planning unit while concurrently serving as a member with representative character, it is possible for one board member to be representative of more than one element of interest.

The composition of such boards may vary from State; however, balanced representation is required and must include the following:

(a) Representation of State law enforcement and criminal justice agencies, including agencies directly related to the prevention and control of juvenile delinquency.

(b) Representation of units of general local government by elected policy-making or executive officials;

(c) Representation of law enforcement officials or administrators from local units of government;

(d) Representation of each major law enforcement function—police, corrections, court systems and juvenile justice systems—plus, where appropriate, representation identified with the act's special emphasis areas, i.e., organized crime and riots and civil disorders;

(e) Representation of public (governmental) agencies in the State maintaining programs to reduce and control crime, whether or not functioning primarily as law enforcement agencies;

(f) Representation that offers reasonable geographical and urban-rural balance and regard for the incidence of crime and the distribution and concentration of law enforcement services in the State;

(g) Representation, as between State law enforcement agencies on the one hand and local units of government and local law enforcement agencies on the other, that approximates proportionate representation of State and local interests;

(h) Representation of citizen, professional and community organizations, including organization directly related to delinquency prevention.

(2) *Examples of juvenile delinquency related agencies and citizens, professional and community organizations.*—(a) Agencies directly related to the prevention and control of juvenile delinquency may include:

(1) Public agencies concerned with delinquency prevention or treatment such as juvenile justice agencies, juvenile or family court judges and welfare, social services, mental health, education, or youth service departments.

(2) Private agencies concerned with delinquency prevention and treatment: concerned with neglected or dependent children; concerned with the quality of juvenile justice, education, or social services for children.

(b) Citizens, professional, and community organizations including organizations directly related to delinquency prevention may include:

(1) Organizations concerned with neglected children;

(2) Organizations whose members are primarily concerned with the welfare of children;

(3) Youth organizations; and

(4) Organizations utilizing volunteers to work with delinquents or potential delinquents.

(c) These examples are by no means exhaustive.

(3) *Participation by Federal Officials.*—Federal representation on State Planning Agency supervisory boards as voting members is not allowed (except in D.C., American Samoa, Guam, and Virgin Islands). Federal officials may continue to assist State Planning Agencies in any advisory or other non-voting capacity which is mutually agreeable.

(4) *Evaluation.*—Because of the existing diversity of State governmental structures and of law enforcement conditions within the States, the representative character of a State Planning Agency and its staff will be evaluated by the cognizant Regional Office on a case-by-case basis in determining compliance with the statutory requirements.

(5) *Application Requirement.*—Describe the organization and functions of the State planning agency supervisory board. Include functional organization and staffing charts. (Forms for staffing information are provided in appendix 2-3).

(c) *Operating Procedures.*—Application Requirement: Describe the rules governing frequency of meetings, the establishment of subcommittees and the conduct of business, the functions, composition and authority of any executive committees or other standing committees of the supervisory board.

17. *State planning agency staff and administration.*—(a) *Authority.*—(1) *Provision.* The act requires as a condition of a State's receipt of a grant under part B that a State Planning Agency be created or designated by the chief executive of the State and subject to his jurisdiction.

(2) *Application Requirement.* Attach documentary evidence (statute, executive order, etc.) under which authority the State planning agency is currently operating.

(b) *Structure/Organization.*—Application Requirement: Describe the structure and organization of the State planning agency staff, including functional and organization charts.

(c) *Staff.*—(1) *Minimum Standards.* State Planning Agency programs and resources must provide reasonable assurance that the required agency functions can be properly executed. The following minimum standards are established for the State Planning Agency staff:

(a) *An administrator* who devotes full-time to the SPA's work.

(b) *A staff complement* of adequate size (i.e., no less than five full-time professionals for the entire SPA) and competencies (e.g., Police, Courts, Corrections, Planning, Evaluation, Grants Management, Juvenile Delinquency Systems/Communications, Audit, etc.) to determine annual planning priorities and to manage the development, implementation, monitoring and evaluation of the State's annual criminal justice improvements plan. The measurement of competence should include experience factors as well as academic background and be consistent with the State planning agency's need for analytic and program development skills necessary for the design of a coordinated attack upon the identified deficiencies within the criminal justice system.

Guideline Requiring Reference to All State Juvenile Programs in State Plan

81. *Juvenile justice and delinquency prevention.*—(a) *Juvenile justice.*—The act requires that each comprehensive State plan must direct adequate attention to the problems of juvenile justice whether or not juvenile justice is funded through the State Planning Agency.

(b) *Plan requirement.*—Summary page reference: Provide a page reference to the location of all pertinent text and data relevant to juvenile justice activities of the State planning agency and other agencies within the State.

(c) *Reserved.*—(Maintenance of effort.)

82. *Reserved (for guidelines to implement the Juvenile Justice and Delinquency Prevention Act of 1974).*

83. *Technical assistance.*—(a) *Requirements.*—(1) *The Act requires* [Section 303(a)(10)] that the comprehensive plan shall demonstrate the willingness of the State to contribute technical assistance or services for programs and projects contemplated by the statewide comprehensive plan. Technical Assistance is defined to include: conferences, lectures, seminars, workshops, on-site assistance, training, and publications, as those activities are provided to planning and operating agencies to assist them in developing and implementing comprehensive planning and management techniques, in identifying the most effective techniques of controlling specific crime problems, in implementing new programs and techniques, and in assisting citizens and other groups in developing projects to participate in crime reduction and criminal justice improvements.

(2) The planned delivery of technical assistance is primarily a way to respond efficiently and effectively to the problems and needs addressed within the State plan, and ultimately is a major vehicle for insuring effective plan implementation. It is essential to develop a technical assistance strategy which encompasses all levels of the LEAA delivery system—local, regional, State and national.

(3) Grantees or sub-grantees do not always possess the expertise they need to perform effectively and achieve the objectives stated within the grant. Even when assistance or services are available they may not be delivered in an efficient, cost-effective manner. For instance, a State may have a number of police departments experiencing the same or very similar records management utilization problems. A technical assistance strategy would not only identify problems but would also identify and target the resources to respond to those problems in a systematic manner.

(b) *Plan Requirement.*—State planning agencies must formulate and indicate a willingness to implement a comprehensive program of technical assistance or services for programs and projects contemplated by the comprehensive plan. The comprehensive program must detail the strategy the SPA will follow in delivering technical assistance or assuring that technical assistance is provided. If such a strategy statement is not contained elsewhere in the plan, it must be set forth here. If it is contained in the plan, a page reference to the location of all pertinent text and data relevant to the State's plan for technical assistance is to be proved here.

(c) *Presentation of Technical Assistance Plan.*—If the technical assistance plan is contained in the relevant sections of the comprehensive plan, it should still address the same elements as those indicated below. For SPA's who set forth their technical assistance plan here, the following elements of such a plan should be included.

(1) An inventory of the resources within the State available to address the technical assistance priorities. This inventory should include but is not limited to a description of services, expertise, and resources available within the State, both within the SPA and elsewhere in the State in both public and private agencies.

(2) An assessment and analysis of the technical assistance needs and problems surfaced within the State plan.

(3) As far as possible, a prioritization of those technical assistance needs, describing the process by which such priorities were made.

(4) A technical assistance program plan which:

(a) Specifies which resources described above will be utilized to address specific needs and priorities.

Chapter 27. Deinstitutionalization of status offenders

184. *Purpose.*—The purpose of this effort is to design and implement model programs which both prevent the entry of juvenile status offenders into correctional institutions and detention facilities and remove such juveniles from institutions and detention facilities within 2 years of grant award by providing community-based alternatives and using existing diversion resources. Removal should result in reduction of the total population of juveniles in correctional institutions within the designated jurisdictions, as well as provide assistance that reentry will not occur following the 2-year grant period.

(a) *The program target* is juveniles who have committed offenses which would not be criminal if committed by an adult. (Status offenders).

(b) *Subgoals are:* (1) Develop and implement mechanisms at both the pre-adjudication and post-adjudication stages which utilize alternatives to secure detention.

(2) Remove juvenile status offenders incarcerated in correctional institutions.

(3) Identify and develop community-based services which provide effective alternatives to institutional and detention placement along with mechanisms for referral which hold service providers accountable on a per child basis.

(4) Evaluate efforts and develop information on the effectiveness of the various models which can be used to guide program development for juvenile status offenders in future years.

185. *Range and duration of grants.*—All awards for this program will be approved for 2-year support, but will be funded in annual increments of 12-month periods. LEAA's commitment to fund in the second year is contingent upon satisfactory grantee performance in achieving stated objectives and compliance with the terms and conditions of the grants. No continuations are contemplated beyond the 2 years. It is anticipated that grants will range up to \$1.5 million over the 2-year period, depending on the size of the project and number of juveniles served. Funds for this program are allocated under the Crime Control Act of 1973.

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186. *Eligibility.*—All public or private not-for-profit organizations and agencies are eligible to apply.

187. *Possible program strategies.*—(a) *Project proposals* are invited from jurisdictions which may vary in their:

- (1) Community tolerance of status offenders.
- (2) Accessibility of resources for status offenders.
- (3) Legal approaches to status offenders.
- (4) Degree of control over client activities.
- (5) Interrelationships with the juvenile justice system.

(b) *Program strategies* are: (1) Action projects which remove populations of status offenders from correctional institutions and detention facilities and prevent their future placement in institutions and detention facilities. Programs which seek new legislation or modification of existing juvenile codes may be needed in certain jurisdiction. Therefore applications specific to this concern or combined with an action program will be entertained.

(2) Projects which strengthen alternative service delivery organizations such as national youth serving organizations, public and private agencies, professional organizations, and so forth, for these specific purposes.

188. *Project specifications.*—(a) *Working Assumptions.*—The program is based on the following assumptions: (1) As derived from the Juvenile Justice and Delinquency Prevention Act of 1974, juveniles labeled as "status offenders": (a) Are detained, committed, placed, and adjudicated for offenses which would not be considered criminal if they were adults; and their detention and incarceration in correctional institutions is inappropriate and often destructive.

(b) Present adjustment problems centered in their family and community and can best be treated through community-based services.

(c) Can be treated more effectively and economically outside incarcerative settings.

(2) *Community resources:* (a) Have the responsibility, interest, and capacity to respond in creative and responsible ways to the development and delivery of services which support more constructive juvenile behavior patterns.

(b) Their response is likely to vary as a function of: (1) Community tolerance for juvenile problem behavior.

(2) Resource availability/accessibility.

(3) Legal provisions for dealing with status offenders separately from delinquent offenders.

(4) Degree of control exercised by the juvenile justice system over community-based treatment/service programs for status offenders.

(5) Extent to which programs for the treatment of status offenders control and regulate the activities of their clients.

(c) May deal with status offenders by: (1) Modifying their available resources to fit the presumed underlying etiology of types of problem behavior with which it is confronted.

(2) Redefining the nature of the presenting problem of the youth to fit the resources that are available.

(3) The juvenile justice system: (a) In status offense cases, detain, adjudicate and incarcerate as a last alternative when other community resources and services are not available, fail, or are unable to respond.

(b) Will, through its broad discretion and tradition of diverting children and youth from the criminal justice system, support alternatives to institutionalization and detention.

(c) Can make more effective use of its limited resources if status offenders are handled in a different manner.

(b) *Site Selection and Data Needs.* Preference in selection of projects will be given to those applicants who plan to remove total populations of status offenders from specific correctional institutions, detention facilities, and jails and block entry within 2 years; and those which institute practices and procedures designed to reintegrate juveniles into the community with minimum Criminal Justice System penetration. When appropriate, under a specific program area and essential to understanding the dimensions of the problem, the application should address the following data needs:

(1) A profile which describes and documents the dimensions of the problem, e.g., operative jurisdiction definition of status offense, percentage and number of status offenders in juvenile court caseload, disposition, population of

target institutions, jails, and detention facilities and percentage of status offenders from the target jurisdictions, age range, types of offenses, length of institutionalization, and institutional expenditures for status offenders. It should also provide comparable data for the remainder of youth involved in the Juvenile Justice System for the target jurisdiction.

(2) An inventory of existing community services which are to be used, described in terms of services presently being provided, gaps, need for new services, anticipated need for modification in scope of delivery mechanisms, and commitment to participation in the project.

(3) A system description and flow chart of the Juvenile Justice System as it impacts status offenders, e.g., source of referral, disposition, current alternatives to institutionalization.

(4) A description of how the Juvenile Justice System is to participate, the kind of mechanisms to be developed to prevent institutionalization and detention; and those methods to be used in coordinating the activities of the court, law enforcement and social agencies. This information should be supported by statements from the court and other participants describing their anticipated involvement and responsibility for achievement of stated goals. It should also include a description of mechanisms which will ensure accountability for service delivery on a per child basis.

(5) A description of the statutory rules pertinent to the deinstitutionalization of status offenders within the target jurisdiction. It should also include a brief description of any administrative policies, procedures and/or court rules which might hinder or facilitate implementation of the project.

(6) A chart which describes program goals and subgoals with milestones and details for removal of status offenders from institutions and detention facilities and the phasing out of entry into institutions and detention facilities.

(7) A description of alternative services to institutionalization and detention supported by a description of strategies and methodology for development.

(8) In addition to appropriate baseline data, all applications must include a description of program objectives in measurable terms and a preliminary work schedule which relates objectives to specific milestones.

(9) Provide a budget of the total costs to be incurred in carrying out the proposed project. Indicate plans for supplementing potential LEAA funds with other Federal, State, local or private funds in excess of the required 10 percent cash match.

189. *Definitions.*—(a) *Community tolerance for status offenders* refers to the willingness of significant professional and/or lay members of the community to absorb status offenders in the fabric of their social institutions, such as school, church, family, welfare, recreational and employment structures. Low tolerance would be manifested by denial of responsibility for status offenders by these structures. The tolerance exhibited by communities may range upward to include the capacity to absorb status offenders into some but not others of their institutions. While no community may be expected to be totally tolerant of problem behavior, there are those sufficiently tolerant to accept and support a variety of efforts to sponsor their absorption and "normalization". Examples of low tolerance are:

(1) Schools refuse to readmit students expelled for "problem" behavior.

(2) Recreational agencies refuse to accept into their programs youth known to police and courts for minor infractions.

(3) In response to community sentiment and pressure, police enter delinquency petitions on youth accused of status offenses.

(4) Community or agency programs established to deal with problem youth in the community have an exclusively delinquent clientele.

(5) A sharply negative attitude with respect to the employment of youth with any kind of juvenile court record.

(b) *Resource accessibility* refers to the degree to which a community has within it organizations capable of absorbing status offenders and a demonstrated willingness to serve them as clients.

(1) There may be many, some, or few agencies and organizations available to serve the needs of status offenders.

(2) Most, many, or few of the available agencies may be either willing or able to acquire the staff and competence to provide the services needed by status offenders.

(c) *Legal approaches* refers to the existence, or lack thereof, of special statutes (PINS, CHINS, CHINS) relating to status offenders. These are usually State statutes, which may be supported by local codes and ordinances. The provision of a separate category for status offenders will affect the readiness of a community or jurisdiction to implement the deinstitutionalization of status offenders.

(d) *Control over clients* refers generally to the degree to which the lives and activities of status offenders are determined by Agency staff and procedures. Examples of extreme control over clients include:

(1) Inhouse requirements and provisions of jobs, tutoring, therapy, and recreation.

(2) Regulations concerning curfew, dating, peer associates, and interaction with family members.

(3) Close and detailed monitoring of conformity to house or Agency rules, including a schedule of penalties for infractions.

(e) *The opposite pole of the client control continuum* is represented by an absence of surveillance and regulations, exemplified by programs that:

(1) Utilize local schools for the educational needs of clients.

(2) Permit client autonomy in choice of peer associates, recreational activity, and the pursuit of normal interests.

(3) Encourage continuous interaction with family members.

(4) Foster maximum participation in agencies and institutions that serve the needs and interests of the nondelinquent youth of the community.

(f) *Control by the justice system* refers to the extent to which status offender programs are controlled by and/or are accountable to correctional, court, probation, or police officials, rather than community organizations and agencies outside the Juvenile Justice System. Controls in this sense can be fiscal, administrative or political. Examples of high program control by the Justice System include:

(1) Police or probation personnel in decisionmaking positions, or on program staff.

(2) Requirements imposed on program staff to transmit to police or court personnel detailed reports of client behavior.

(3) Status offender treatment programs organized and conducted by juvenile justice agencies.

(g) *Low justice system controlled programs* are typically sponsored, staffed, and managed solely by community-based agencies and organizations. Lines of accountability run chiefly to their or other governing bodies and to their source of funding support. If these are public agencies, they are concerned with health and welfare functions, and they are formally and legally independent of agencies in the Juvenile Justice System. However, in view of the necessary involvement of juvenile justice agencies in programs serving the needs of court designated status offenders, most will exhibit mixed forms of control. Again, the precise degree to which there exists control by and accountability to the Juvenile Justice System is open in principle to precise specification.

(h) *Coordination*.—(1) The mechanism for coordination of all parties with jurisdictional authority over affected juveniles and resources essential to provision of suitable alternative services, among others, will include the juvenile court and its key operational components (diagnostic or intake and probation division, the agency or agencies responsible for juvenile correctional facilities and law enforcement, agencies responsible for provision of human services and educational institutions in the affected jurisdiction(s)).

(2) This mechanism must be supported by written agreements which reflect concurrence with overall project objectives, specify the action steps to be taken by each party in relation to disposition of status offenders or the resources to be provided in support of workable community based human services. Additionally, agreements should include commitment of staff time for planning and coordination.

(3) While such mechanisms may be operational at the preliminary application stage, a description of preliminary or supportive activities within the designated jurisdiction must be provided in sufficient detail to permit reviewers to assess feasibility of the project achieving stated goals.

(i) *Alternative Services*. Development and management of alternative services must be supported by existence of or plans for development of:

(1) A Management Information System which provides systematic feedback on court disposition of all juvenile offenders by referral source and kind of offense, placement of juveniles in affected correctional institutions by kind of offense, and expenditures on a per child basis for juveniles referred for services identified as "alternatives to institutional placement".

(2) A Monitoring System which assures that standards defined for alternative services are maintained, and specifically accounts for actual service delivery on a per-child basis.

(j) *Programs which minimize the stigmatizing of youth* are those which:

(1) Avoid the use of labels which carry or require adverse connotations for the youth or organization with whom they may be affiliated.

(2) Avoid the segregation of youth for the purposes of special treatment.

(3) Avoid the identification programs in such a way that they exist only for the purpose of helping youth with serious problems. Generally, non-stigmatizing programs should be structured in such a way as to ensure that participating youth experience the least possible impediments to family life, school and employment.

(k) *Detention facilities* are those which provide temporary care in a physically restrictive facility prior to adjudication, pending court disposition or while awaiting transfer to other facilities as a result of court action.

(l) *Institutions* for purposes of this program are those which are physically restrictive and where placement extends beyond 30 days.

190. *Special evaluation requirements*.—(a) Since the Law Enforcement Assistance Administration will provide for an independent evaluation of all projects funded in this program, determination will be made during the application stage of costs to be incurred by grantees for evaluation. All grantees selected will be required to participate in the evaluation, make reasonable program adjustments which enhance the evaluation without reducing program effectiveness, and collect the information required by the evaluation design.

(b) *Data to be collected* for program evaluation purposes will refer in some instances to specific projects and in others to the overall LEAA deinstitutionalization program design. With respect to the latter, grantees will be required to assist in the provision of data pertinent to:

(1) The effectiveness of deinstitutionalization on changes in delinquent and conforming behavior of clients.

(2) The relevance of deinstitutionalization to the interruption of delinquent career patterns suggested by the stigmatizing process and labeling theory.

(3) The comparable ease of implementation and effectiveness of programs in community settings:

(a) Having higher and lower tolerance for juvenile behavior.

(b) Having higher and lower resource accessibility.

(c) With and without special and general legislative approaches to status offenders (PINS, CHINS, etc.).

(4) The comparative effectiveness of programs:

(a) Higher and lower in degree of control over clients' lives.

(b) Higher and lower in program control by components of the formal juvenile justice system.

(5) The impact of the deinstitutionalization program on the use of the limited resource of the juvenile justice system.

(c) *Other things being equal*, priority will be given to project proposals which incorporate feasible experimental control designs compatible with achievement of program goals.

(d) *The Law Enforcement Assistance Administration will require* that data collection procedures specified by the evaluator ensure the privacy and security of juvenile records. The evaluator will ensure that information identifiable to a specific private person is used only for the purpose for which obtained and it may not be used as a part of any administrative or judicial proceeding without the written consent of the child and his legal guardian or legal representative.

191. *Selection criteria*.—Applications will be rated and selected equally in relation to all of the following criteria. Preliminary applications will be reviewed and rated in relation to paragraph 191b, c, f, and i.

(a) *The extent to which a stable funding base* for continuation of alternatives to incarcerative placement of status offenders can be established when LEAA funding ceases.

(b) *The size of the juvenile population affected in relation to costs and quality of service.*

(c) *The extent to which there are plans for use of other public and private funds in execution of the overall plan.*

(d) *The extent to which existing private and public youth serving agencies are incorporated into the planning and implementation of the plan.*

(e) *The extent to which alternative services:* (1) Maximize use of non-stigmatizing service approaches sponsored by public and private agencies.
(2) Involve youth and significant others in assessment of needs and service options.

(3) Employ program strategies which seek to identify and address problems located within service delivery systems.

(f) *The degree to which the mechanisms for coordination:* (1) Include essential parties and specificity with respect to their respective commitments. (See paragraph 189h).

(2) Indicate that there will be a reduction in the number of juveniles incarcerated within the affected jurisdiction.

(g) *The extent to which there is accountability for service on a per child basis.*

(h) *The extent to which the project can be evaluated in relation to experimental design and availability of data.*

(i) *The extent to which there is assessment of impact of deinstitutionalization upon affected institutions and agencies and inclusion of program strategies which promote greater public awareness of the issues and community support for the program.*

192. *Special requirements.*—(a) *To support coordination and information exchange among projects, funds will be budgeted in applications to cover the cost of six meetings during the course of the 2-year projects. Meetings shall be planned with the grantees by mutual agreement, with the exception of the first, which will be called 1 week following grant award. A meeting schedule will be developed and the LEAA project monitor informed of any changes within 2 weeks of a scheduled meeting.*

(b) *Two weeks following grant award, grantees shall submit a revised statement of work which reflects essential adjustments in tasks and milestones.*

(c) *Service providers must coordinate submissions with agencies and institutions directly responsible for removal of juveniles from institutions within a designated jurisdiction.*

(d) *Applicants with submissions which cross state or territorial boundaries in the areas of capacity building and legislative reform shall make site selections in conjunction with LEAA following award of action programs in order to maximize opportunities for impact.*

193. *Submission requirements.*—(a) *Preliminary Application.* (1) All applicants must simultaneously submit the original preliminary application to the State Planning Agency (SPA) for the affected jurisdiction(s), one copy to the cognizant Regional Office (RO) and one copy to the LEAA Central Office; or the original and two copies to the Juvenile Justice and Delinquency Prevention Task Group (JJDTG) in Washington, D.C., if the proposed program extends beyond state boundaries. One copy should be sent to the appropriate A-95 Clearinghouse.

(2) Upon receipt, SPAs will review and, if appropriate, coordinate preliminary applications within their state. They will forward their comments to the appropriate RO and the JJDTG in Washington, D.C. All institutions/not-for-profit organizations interested in submitting preliminary applications shall be allowed to do so.

(3) Regional Offices, following review, will forward their comments to the JJDTG in Washington.

(4) Upon receipt of SPA and RO comments, the JJDTG will select those preliminary applications judged to have elements most essential to successful program development. Notification will be sent to all applicants with information copies forwarded to SPAs and ROs.

(5) Preliminary applications must be mailed or hand delivered to the State Planning Agency or the JJDTG at the LEAA by May 16, 1975.

(a) Preliminary applications sent by mail will be considered to be received on time by the SPA or LEAA if the preliminary application was sent by

registered or certified mail not later than May 16, 1975, as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service.

(b) Hand delivered preliminary applications must be taken to the SPA or, when appropriate for LEAA, to Room 742 of the LEAA building at 633 Indiana Avenue, N.W., Washington, D.C., between the hours of 9:00 a.m. and 5:30 p.m., except Saturdays, Sundays or Federal holidays.

(h) *Applications.* (1) The deinstitutionalization of status offenders program has been determined to be of national impact, and the format for application submission as stated in paragraph 11, Chapter 1 of Guideline Manual 4500.1C has been modified.

(2) Application distribution should be as follows: (a) Original and two copies to the Juvenile Justice and Delinquency Prevention Task Group, LEAA, 633 Indiana Avenue, N.W., Washington, D.C., 20531.

(b) One copy to each of the appropriate A-95 Clearinghouses.

(3) LEAA will forward a copy of the application to the cognizant Regional Office and State Planning Agency for review and comment.

(4) State Planning Agency comments should be forwarded to the cognizant regional office within 20 days following receipt of the application.

(5) Regional office comments should be forwarded to the JJDTG along with State Planning Agency comments within 30 days of receipt of application. Review comments will be considered received in time for incorporation into the final selection process if postmarked not later than September 19, 1975.

(6) Applications will be reviewed by the JJDTG and final recommendations made in accordance with predefined selection criteria. In most cases, awards will be made to the appropriate State Planning Agency with subgrants to the applicant.

(7) Program monitoring will be done by the JJDTG in conjunction with the cognizant regional office.

194. *Preliminary application.*—Part IV, the narrative statement of the preliminary application should address the following specific data needs in no more than 12 pages. You may include as appendixes supportive data or documents.

(a) *Statement of need.*—(1) Briefly describe the dimensions of the problem and the efforts within the jurisdiction to develop alternatives to institutional placement which would be available to status offenders. Include statistical data on the number of status offenders, their socioeconomic characteristics, primary referral sources, and the manner in which they are presently handled by the juvenile justice system. Describe alternatives available to juveniles at each stage of processing. Include in this section the operative jurisdictional definition of status offense, jurisdictional boundaries within which your program would operate, and sufficient demographic information to permit assessment of potential program impact.

(2) Applicants proposing projects under Paragraph 187b(2) of this Manual should provide the data most relevant to the activities to be undertaken, including descriptive information which makes clear the relationship between proposed activities and problems associated with status offenders. Programs which exceed State boundaries should identify those geographic areas in which they would expect to have the greatest impact.

(b) *Project Goals and Objectives.*—Goal statements should be specific to the expected activities of the juvenile justice system, service providers, juveniles affected, and others who may be involved in implementation of the project. The major objectives of the proposed project should be stated in measurable terms, e.g., specific activities in relation to expected results. Based upon these objectives, provide a timetable for completion of major tasks.

(c) *Methodology.*—Describe the way in which project components would be developed and applied to the problems described. Show the relationship between these activities and achievement of objectives. Identify specific agreements essential to project success and describe your progress in securing them. Include copies of agreements that have been consummated.

(d) *Benefits Expected.*—Describe expected impact upon the school system, service providers, juvenile justice system (court, police and correctional facilities), and other relevant institutions in the affected jurisdictions. Identify the expected positive and negative implications of this impact and briefly explain your plan for response.

(e) *Experience of Applicant.*—Describe the nature of your accountability for services to juveniles, experience of key personnel, fiscal experience, kind and scope of program(s) administered, relationships with organizations, institutions and interest groups vital to achievement of stated goals.

(f) *Evaluation Requirements.*—Provide a brief statement which assesses where your project would be placed in relation to the five dimensions listed under paragraph 187a of this manual. The information provided must be sufficient to permit LEAA to locate the project along each of these dimensions. Supporting data should be supplied, if available, but we are not requesting collection of data at this stage. Also provide assurance that your project would cooperate fully in the evaluation effort as outlined in paragraph 190a of this manual.

21. *Special Requirements for the Juvenile Justice and Delinquency Prevention Act of 1974.*—(a) *Applicability.*—The provisions of this paragraph apply only to those State planning agencies which are applying for funds under the Juvenile Justice and Delinquency Prevention Act of 1974 (hereafter referred to as the J.J. & D.P. Act). They do not apply to the comprehensive program for the improvement of juvenile justice developed pursuant to the Omnibus Crime Control and Safe Streets Act, as amended.

(b) *Plan Supervision and Administration.*—(1) *Act Requirement.* According to Section 23(a)(1) of the Juvenile Justice and Delinquency Prevention Act of 1974, the State plan must "designate the State planning agency established by the State under section 203 of such title I (i.e. Omnibus Crime Control and Safe Streets Act of 1968, as amended) as the sole agency for supervising the preparation and administration of the plan;"

(2) *Application Requirement.* The SPA should indicate the name, professional background, functions and responsibilities of the individual or individuals who are responsible for preparing and administering the juvenile justice component of the comprehensive State plan.

(3) *Juvenile Justice and Delinquency Prevention Planning Person.* In order to provide for the necessary supervision of the preparation and administration of the plan, it is recommended that there be at least one full-time juvenile justice and delinquency prevention planning person in the SPA. This person's sole responsibility should be in the juvenile justice area.

(c) *Plan Implementation.*—(1) *Act Requirement.* Section 223(a)(2) of the J.J. & D.P. Act requires the State plan "contain satisfactory evidence that the State agency designated in accordance with paragraph (1) (hereafter referred to in this part as the "State planning agency") has or will have authority, by legislation if necessary, to implement such plan in conformity with this part;"

(2) *Application Requirement.* The SPA must specify how it has and will exercise its requisite authority to carry out the mandate of the Juvenile Justice and Delinquency Prevention Act.

(3) *Coordination of Services.* This mandate requires a coordination of human services to youth and their families in order to insure effective delinquency prevention and treatment programs. This would include all offices within the State responsible for the delivery of human services such as education, welfare, health and other State offices which directly impact juvenile justice and delinquency prevention.

(d) *Advisory Group.*—(1) *Act Requirement.* Section 223(a)(3) of the J.J. & D.P. Act requires that the State plan "provide for an advisory group appointed by the chief executive of the State to advise the State planning agency and its supervisory board (a) which shall consist of not less than 21 and not more than 33 persons who have training, experience, or special knowledge concerning the prevention and treatment of juvenile delinquency or the administration of juvenile justice, (b) which shall include representation of units of local government, law enforcement and juvenile justice agencies such as law enforcement, correction or probation personnel, and juvenile or family court judges, and public agencies concerned with delinquency prevention or treatment such as welfare, social services, mental health, education, or youth services departments, (c) which shall include representatives of private organizations concerned with delinquency prevention or treatment; concerned with neglected or dependent children; concerned with the quality of juvenile justice, education, or social services for children;

which utilize volunteers to work with delinquents or potential delinquents; community-based delinquency prevention or treatment programs; and organizations which represent employees affected by this act, (d) a majority of whose members (including the chairman) shall not be full-time employees of the Federal, State, or local government, and (e) at least one-third of whose members shall be under the age of 26 at the time of appointment;"

(2) *Application Requirement.* (a) The SPA must indicate how it has fulfilled the requirements of this section, through submitting a list of appointees and a statement of how they meet the requirements for advisory group membership.

(b) The application must include a list of responsibilities, duties, functions and frequency of meetings of the advisory group. The role of the advisory group in reference to State plan development and project review must be explicated.

(c) The advisory group should make recommendations to the SPA director and the supervisory board with respect to planning, priorities, operations, and management of all juvenile justice and delinquency prevention programs within the State.

(d) The relationship of the advisory group to the supervisory board and the SPA must be explicated. Pursuant to Section 223(b) the advisory group shall be consulted about the State plan prior to its approval.

(e) *Consultation with Local Governments.*—(1) *Act Requirement.* Section 223(a)(4) of the J.J. & D.P. Act requires that the State Plan "provide for the active consultation with and participation of local governments in the development of a State plan which adequately takes into account the needs and requests of local governments;"

(2) *Application Requirement.* The application must indicate the frequency and quality of the consultation process specified in this subsection. Describe how local governments participate in the development of the State plan and how the State planning agency takes into account their needs and incorporates their requests.

(f) *Participation of Local Governments.*—(1) *Act Requirement.* Section 223(a)(6) of the J.J. & D.P. Act requires that the State plan "provide that the chief executive officer of the local government shall assign responsibility for the preparation and administration of the local government's part of a State plan, or for the supervision of the preparation and administration of the local government's part of the State plan, to that agency within the local government's structure (hereafter in this part referred to as the 'local agency') which can most effectively carry out the purposes of this part and shall provide for supervision of the programs funded under this part by that local agency;"

(2) *Application Requirements.*—The application must: (a) Designate which unit or combination of units of local government within the State will participate for purposes of this section and how this determination was made.

(b) Designate the name and title of the chief executive officer of each of the units or combination of units of local government listed above.

(c) Designate the name of the agency within each unit or combination of units of government which the chief executive officer has designated; also, explain its function and relationship to the local government.

(d) Explain in each case the reasons why that agency was determined to be able to most effectively carry out the purposes of this part.

(e) Explain how the chief executive officer of each unit or combination of units of local government shall provide for supervision of the programs funded by each local agency.

(g) *Pass-Through Requirement.*—(1) *Act Requirement.* Section 223(a)(5) of the J.J. & D.P. Act requires that the State Plan "provide that at least 66 2/3 percent of the funds received by the State under section 222 shall be expended through programs of local government insofar as they are consistent with the State plan except that this provision may be waived at the discretion of the administrator for any State if the services for delinquent or potentially delinquent youth are organized primarily on a statewide basis;"

(2) *Application Requirement.* The application must provide assurance that at least 66 2/3 percent of the funds received by the State under section 222 shall be expended through programs of local government.

(3) *Inclusion of Funds.* Formula grant funds made available to local governments for planning and administration purposes by the State planning agency shall be included in calculating the amount of funds to be expended through programs of local government.

(4) *Waiver of Passthrough Requirements.* The Administrator is authorized to waive the passthrough requirement for any State upon making a determination that the planning grant application adequately demonstrates that the State's services for delinquent or potentially delinquent youth are organized primarily on a statewide basis. Upon granting the waiver, the Administrator shall substitute a passthrough requirement representative of the proportion of services organized primarily on a statewide basis. In making the determination under the section the Administrator will examine the State's total program of juvenile justice and delinquency prevention including the entire range of available youth services. A request for waiver must be accompanied by a statement setting forth the following:

(a) The extent of implementation of juvenile delinquency programs at the State level and at the local level.

(b) The extent of financial responsibility for juvenile delinquency programs borne at the State level and at the local level.

(c) The extent to which services provided by the State or direct outlays by the State are made for or on behalf of local governments (as opposed to statewide services).

(d) The approval of the State Planning Agency Supervisory Board.

(e) Comments from local units of government.

(h) *Nonsupplantation of State, Local, and Other Non-Federal Funds.*—

(a) *Act Requirement.* Section 223(a) (19) of the J.J. & D.P. Act requires that the State Plan "provide reasonable assurance that Federal funds made available under this part for any period will be so used as to supplement and increase (but not supplant), to the extent feasible and practical, the level of the State, local, and other non-Federal funds that would in the absence of such Federal funds be made available for the programs described in this part, and will in no event replace such State, local, and other non-Federal funds;"

(b) *Application Requirement.* Provide such assurances as are necessary to comply with this provision. Identify and describe procedures used to insure that this nonsupplantation requirement is met.

82. *Special Requirements for the Juvenile Justice and Delinquency Prevention Act of 1974.*—(a) *Applicability.* The provisions of this paragraph apply only to those State Planning Agencies which have elected to apply for and accept funds under the Juvenile Justice and Delinquency Prevention Act of 1974. These provisions do not apply to the comprehensive program for the improvement of juvenile justice which the State Planning Agency must address in order to comply with the Omnibus Crime Control and Safe Streets Act requirements.

(b) *Relationship to Overall Comprehensive Plan.* Planning for the JJDP Act programs and expenditures shall follow the basic steps prescribed for the comprehensive law enforcement plan under the Omnibus Crime Control and Safe Streets Act, as set forth in Chapter 3 of these Guidelines, including a description and assessment of existing juvenile justice systems and available resources, the development of a multi-year plan, and the preparation of annual programs and related plans, programs and systems. Plans and action programs relating to juvenile justice and delinquency prevention may be integrated with all other portions of the comprehensive law enforcement plan, but must be sufficiently distinct so that they can be reviewed independently of other parts of the State plan. The remainder of this chapter sets forth additional items which must be included and additional standards which must be met for the State's comprehensive plan to qualify for funds under the JJDP Act. The State plan shall describe the way in which the special requirements which follow have been incorporated within the State's comprehensive law enforcement plan.

(c) *Detailed Study of Needs.* (1) *Act Requirements.* Section 223(a) (8) of the JJDP Act requires that the State plan "Set forth a detailed study of the State needs for an effective, comprehensive, coordinated approach to juvenile delinquency prevention and treatment and the improvement of the juvenile justice system. This plan shall include itemized estimated costs for the development and implementation of such programs."

(2) *Plan Requirements.* (a) *Definitions.* (1) *Juvenile.* The State plan must indicate the State's definition of juvenile.

(2) *Delinquent.* The State plan must indicate the State's definition of delinquent, dependent, neglected, in need of supervision or other status which will subject youths to the jurisdiction of the juvenile or family court.

(b) *Scope of Study.*—The State plan must include a study of the State's juvenile justice system's handling of juvenile offenders, including a description of the structure and functions of units of the juvenile justice system (police, intake, detention, probation, and correctional institutions) and a description of the flow of youths through the system (on a calendar year basis). The descriptive flow should include a summary of the number and characteristics (age, sex, national origin, race) of youths (utilizing the State's definition of "juveniles") within the State and a summary of the number and characteristics (offense, age, sex, national origin, race) of youths handled (including arrests and petitions) by each unit of the juvenile justice system within each calendar year, and dispositions made by each unit (including the number and characteristics of juveniles within each dispositional category).

(1) The study should also include data addressing the effectiveness of the juvenile justice system, in terms of recidivism (arrests or return to the system) and other measures deemed relevant by the State.

(2) The study must also address the nature of the delinquency problem within the State (in addition to arrests and petitions that would be indicated in police and court handling above). This analysis should at least include unemployment rates and school dropout, suspension and expulsion rates, and other causal or contributing conditions considered or determined to be relevant to delinquency prevention programming.

(c) *Description of Existing Programs.*—The study must include a comprehensive description of existing programs for youth in the State. This description shall include both special programs in the juvenile system (in addition to the major units of the juvenile justice system under section B above) and outside of it. The description shall include all programs supported by Federal, State, local and private funds. Indicate the source of funds and the dollar amount involved.

(d) States might wish to consider a 2-year effort for this study outlined in sections (b) and (c) above. The first year would be devoted to the comprehensive descriptions of programs within the juvenile justice system and providing whatever data are available called for under subparagraph (b). The review of programs outside the juvenile justice system, and the collection of data not currently available would be added in the second year. If this option is elected, the first year study must also state how the second year's study will be accomplished.

(e) *Statement of Itemized Estimated Costs and Prioritization of Programs.* Programs contained in the multiyear plan and annual action programs must include itemized estimated costs for their development and implementation. These programs must also be prioritized in light of available and anticipated resources. Plans for reallocation of resources both from LEAA funds and other funds to meet the programmatic needs must be included. All necessary programs shall be identified even if there are insufficient resources from any source to implement them.

(d) *Equitable Distribution.*—(1) *Act Requirement.* Section 223(a) (7) of the JJDP Act requires that the State plan "provide for an equitable distribution of the assistance received under section 222 within the State;"

(2) *Plan Requirement.* The State plan must indicate how it has made the determination that the distribution of the assistance received under section 222 within the State is equitable.

(e) *Participation of Private Agencies and Utilization of Existing Programs.*

—(1) *Act Requirement.* Section 223(a) (9) of the JJDP Act requires that the State Plan "provide for the active consultation with and participation of private agencies in the development and execution of the State plan; and provide for coordination and maximum utilization of existing juvenile delinquency programs and other related programs, such as education, health, and welfare within the State;"

(2) *Plan Requirements.* (a) *Consultation with and Participation of Private Agencies.* (1) The State plan must indicate the frequency and quality of the consultation process specified in this subsection. Describe the methods used to gain input from private agencies about the development and execution of the State plan.

(2) The relationship of this process of consultation to the advisory group and the supervisory board must be explained fully.

(b) *Coordination and Utilization of Existing Programs.* The State plan must identify all State efforts related to delinquency prevention and rehabilitation whether Federal, State, locally or privately funded. The plan must demonstrate how the SPA plans to coordinate and maximally utilize these services.

(f) *Advanced Techniques.*—(1) *Act Requirements.* Section 223(a)(10) requires that the State Plan "Provide that not less than 75 per cent of the funds available to such State under section 222, whether expended directly by the State or by the local government or through contracts with public or private agencies, shall be used for advanced techniques in developing, maintaining, and expanding programs and services designed to prevent juvenile delinquency, to divert juveniles from the juvenile justice system, and to provide community-based alternatives to juvenile detention and correctional facilities. That advanced techniques include:

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

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

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

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

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

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

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

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

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

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

(3) Discourage the use of secure incarceration and detention;"

(2) *Plan Requirements.*—(a) The SPA must clearly demonstrate in its plan that at least 75 percent of the juvenile justice and delinquency prevention act funds shall be used for support of advanced techniques as enumerated in section 223(a)(10) a through h.

(b) The State may provide for advanced techniques other than those enumerated in 223(a)(10) a through h, provided that those "other" techniques are used for the purpose of developing and implementing effective methods of preventing and reducing juvenile delinquency; developing and conducting effective programs of diverting juveniles from the traditional juvenile justice system, and providing alternatives to institutionalization.

(c) If the State chooses to utilize advanced techniques other than those enumerated in section 223(a)(10) a through h, it must define what it con-

siders to be advanced techniques, indicate why it has chosen these techniques, and why it considers them "advanced". It should also explain how it expects them to impact on its unique problems.

(d) The selection of advanced techniques shall be determined by each State's detailed study of needs required by section 223(a)(8). However, recognition should be given to the requirements set forth in paragraph 82c.

(3) *Community based programs and services* are those which have among their characteristics local community participation in program planning and influence upon management; have geographic, social and psychological accessibility; and build into their services provisions for retention of relationships between juveniles and "significant others".

(a) Key factors of community-based programs or services are the:

(1) Frequency;

(2) Duration; and

(3) Quality of linkages between the community and the program or service, and linkages between the juvenile and the community.

(b) Generally, as frequency, duration and quality of these relationships increase, the program becomes more community-based. Another characteristic of a "community-based facility" is its non-secure quality which allows for maximized linkages or relationships between the youths and the community, including the youths' families.

(4) *Youth in Danger of Becoming Delinquent.*—(a) This phrase refers specifically to behavior which is likely to result in youths being adjudicated "delinquent". "Youth in danger of becoming delinquent" should not be identified through:

(1) Early detection by means of psychological testing.

(2) Invasion of parental responsibility for supervision of children.

(b) The State should also avoid usage of labels such as "pre-delinquent" and "potential delinquent".

(5) *Education Programs or Supportive Services.*—(a) Two examples of such programs are: (1) *Lay advocates* to represent students and parents in due process procedures that may be instituted when a student is suspended or expelled.

(2) *Counseling groups* outside the school that can assist students in adjusting to a hostile school environment and can advise a student and his or her parents of their due process rights.

(b) It is also suggested that programs designed to prevent students from being pushed out of school be focused first on school districts having a disproportionate number of minority suspensions and expulsions, and, second, on school districts demonstrating abnormally high suspensions and expulsion rates for all students regardless of race.

(g) *Research, Training and Evaluation Capacity.*—(1) *Act Requirement.* Section 223(a)(11) requires that the State Plan "provide for the development of and adequate research, training, and evaluation capacity within the State;"

(2) *Plan Requirements.* The State plan must provide for the development of an adequate research, training, and evaluation capacity within the State.

(a) "An adequate research capacity" is the capacity to gather and analyze the information required for the detailed study of needs specified in paragraph 82c. The plan must indicate the resources which the State will utilize to accomplish the detailed study of needs and, if they are not presently adequate to the task, the steps which will be taken to augment them. For the initial period of implementation of the JJDP Act, no State will be required to develop or demonstrate the capability to conduct a major program of basic or applied research beyond the detailed study of needs.

(b) "An adequate training capacity" is the capacity to meet the training needs identified through the State's juvenile justice planning process. The plan must indicate those needs identified which can best be met by training of existing or future juvenile justice and other youth service personnel, the resources which the State will utilize to meet these needs, and, if they are not presently adequate to the task, the steps which will be taken to augment them. This plan should take into account and make maximum use of the training programs provided by the National Institute for Juvenile Justice and Delinquency Prevention. Needs which cannot be met at the State level should be communicated to the NIJJDP for use in planning future programs.

(c) "An adequate evaluation capacity" is the capacity to carry out the requirements of paragraphs 20 and 85 of this Guideline Manual. The plan for those paragraphs must specify the applicability of each section to juvenile delinquency programming.

(h) *Status Offenders.*—(1) *Act Requirement.* Section 223(a)(12) of the JJDP Act requires that the State plan "Provide within 2 years after submission of the plan that juveniles who are charged with or 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."

(2) *Purpose.* Recognizing the differences between adult and juvenile offenders and offenses, this provision is intended to divert juvenile status offenders from the normal correctional processes, and to provide them with a meaningful opportunity for growth and development.

(3) *Status offenders* are juveniles who are charged with or have committed an offense which would not be an offense if committed by an adult.

(4) *Determination of status offenders.* For purposes of determining status offenders, the following classifications would apply: (a) *Post adjudicative dispositions.*—(1) A youth who commits a status offense and is institutionalized as a result of such offense is a status offender.

(2) A youth who commits a series of status offenses and is institutionalized as a result of the multiple offenses is a status offender.

(3) A youth who is made "a ward of the court" for neglect or dependency and is placed under custody of a child care agency, and then commits a status offense and is institutionalized as a result of a petition or affidavit of such agency which requested such institutionalization, is a status offender.

(4) A youth who is made a "ward of the court" for neglect or dependency and is institutionalized as a result of such finding is a non-offender.

(5) A youth who is charged with a criminal-type offense, which is reduced to an adjudication of a status offense, and is institutionalized as a result of such finding, is a status offender.

(6) A youth commits a status offense and is placed on probation. While on probation he commits a status offense, and is institutionalized, as a result of either the subsequent offense or the technical violation of probation. He is a status offender.

(7) A youth commits a criminal-type offense, is placed on probation and is subsequently discharged. He now commits a status offense and is institutionalized as a result of such offense. He is a status offender.

(8) A youth commits a status offense, is institutionalized and is subsequently placed on parole. While on parole he commits a status offense and is returned, either administratively or by court order. He is a status offender.

(9) A youth commits a status offense, is institutionalized and is subsequently placed on parole (aftercare). While on parole, he commits a criminal-type offense and is returned administratively. He is a status offender.

(10) A youth commits a criminal-type offense and is institutionalized as a result of such offense. He is a criminal-type offender.

(11) A youth commits a criminal-type offense and a status offense, and is institutionalized as a result of both offenses. He is a criminal-type offender.

(12) A youth commits a criminal-type offense and is placed on probation. While on probation he commits a status offense and is institutionalized as a result of the violation of his rules of probation. He is a criminal-type offender.

(13) A youth commits a criminal-type offense, is given a suspended institutional commitment and is placed on probation. While on probation, he commits a status offense and is institutionalized. He is a criminal-type offender.

(14) A youth commits a status offense, is institutionalized, and is subsequently placed on parole (aftercare). While on parole, he commits a criminal-type offense and is returned by court order. He is a criminal-type offender.

(15) A youth commits a criminal-type offense, is institutionalized and is subsequently placed on parole (aftercare). While on parole, he commits a status offense and is returned, either administratively or by court order. He is a criminal-type offender.

(16) A youth commits a criminal-type offense, is institutionalized and is subsequently placed on parole (aftercare). While on parole he commits a criminal-type offense and is returned, either administratively or by court order. He is a criminal-type offender.

(b) *Detention.*—(1) A youth who is arrested, placed in detention, and charged with a status offense is a status-offender.

(2) A youth who is placed in detention and charged with dependency or neglect is a non-offender.

(3) A youth who is found in detention without being charged with anything is a non-offender.

(4) A youth who is arrested, placed in detention and charged with a criminal-type offense is a criminal-type offender.

(5) *Implementation.* The requirements of this section are to be planned and implemented by a State within 2 years from the date its plan is submitted, so that all juvenile status offenders will be placed in shelter facilities, group homes or other community based alternatives as identified in 223(a)(10) (A) rather than juvenile detention or correctional facilities by the end of that 2-year period.

(6) *Plan Requirement.* (a) Describe in detail the State's specific plan, procedure, and timetable assuring that within 2 years of submission of its plan juvenile offenders, if placed outside the home, will be placed in shelter facilities rather than juvenile detention or correctional facilities. Include a specific description of all existing and proposed shelter and correctional facilities.

(b) Describe the constraints the State will face in meeting the objectives of this section.

(7) *Shelter facilities for status offenders* may be defined as a temporary or emergency care facility in a physically non-restrictive environment. They are used as a temporary living facility for the purpose of arranging a longer range plan for the juvenile. The period of shelter care should be sufficiently long to develop a suitable plan for the juvenile and should not extend beyond that point (preferably within 30 days).

(1) *Contact with Incarcerated Adults.*—(1) *Act Requirement.* Section 223(a)(13) of the JJDP Act requires that the State Plan "Provide that juveniles alleged to be or found to be delinquents 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."

(2) *Purpose.* This provision is intended to assure that juveniles alleged to be or found to be delinquent shall be kept separate and apart from incarcerated adults so as to eliminate, insofar as possible, contact of such juveniles with incarcerated adults.

(3) *Implementation.* The requirement of this provision is to be planned and implemented immediately by each State in light of the constraints on immediate implementation described below.

(4) *Regular Contact.* The State Plan must 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. This prohibition against "regular contact" permits no more than haphazard or accidental contact between juveniles and incarcerated adults so as to effect as absolute a separation as possible. For example, separate living, dining, recreational, vocational, educational and transportation facilities must be provided or the time period for utilization of these facilities formally arranged in order to avoid contact between adults and juveniles.

(5) *Plan Requirement.* (a) Describe in detail the State's specific plan, procedure and timetable for assuring that juveniles will not be detained or confined in any institution in which they have regular contact with incarcerated adults.

(b) For those institutions in which juveniles and incarcerated adults will continue to be confined, set forth in detail the procedures for assuring no regular contact between such juveniles and adults.

(c) Describe the constraints, including physical, judicial, fiscal, and legislative which preclude the immediate separation of juveniles from incarcerated adults in any particular institution where juveniles are detained or confined.

(d) The State must ensure that juveniles are not reclassified as adults in order to avoid the intent of segregating adults and juveniles in correctional facilities.

(j) *Monitoring of Jails, Detention Facilities and Correctional Facilities.*—

(1) *Act Requirement.* Section 223(a) (14) requires that the State Plan "provide for an adequate system of monitoring jails, detention facilities, and correctional facilities to insure that the requirements of section 223(12) and (13) are met, and for annual reporting of the results of such monitoring to the Administrator."

(2) *Plan Requirements.* (a) The State plan must indicate how the State plans to provide for accurate and complete monitoring of jails, detention facilities, correctional facilities, and other secure facilities to insure that the requirements of sections 223(12) and (13) are met.

(b) For purposes of paragraph 82h, above, the monitoring must include a survey of all detention and correctional facilities including the number of juveniles placed therein during the report period, the specific offense charged or committed, and the disposition, if any, made for each category of offense.

(c) For purposes of paragraph 82i, above, the monitoring must include a survey of all institutions in which juveniles may be detained or confined with incarcerated adults, including a detailed description of the steps taken to eliminate regular contact between juveniles and incarcerated adults.

(d) The State Plan must provide for annual onsite inspection of jails, detention and correctional facilities.

(e) Describe the State plan for relating the monitoring data to the goals, objectives, and timetables for the implementation of paragraphs 82h and i as set forth in the State Plan, in the annual report to the administrator.

(3) *Reporting Requirement.* The State Planning Agency shall make an annual report to the LEAA Administrator on the results of monitoring for both sections 223(13) and (18). The first report shall be made no later than December 31, 1976. It, and subsequent reports, must indicate the results of monitoring with regard to the provisions of sections 223(12) and (13), including:

(a) Violations of these provisions and steps taken to ensure compliance, if any.

(b) Procedures established for investigation of complaints of violation of the provisions of (12) and (13).

(c) The manner in which data were obtained.

(d) The plan implemented to ensure compliance with (12) and (13), and its results.

(e) An overall summary.

(k) *Equitable Assistance to all Disadvantaged Youth.*—(1) *Act Requirement.* Section 223(a) (15) requires that the State Plan "Provide assurance that assistance will be available on an equitable basis to deal with all disadvantaged youth including, but not limited to, females, minority youth and mentally retarded and emotionally or physically handicapped youth.

(2) *Plan Requirement.* The State Plan must demonstrate a determined effort to assure that the needs of disadvantaged youth have been analyzed and considered and that such youth will receive an equitable share of the assistance to be provided out of Federal funds granted for juvenile delinquency programs and projects. The plan should include a review of other Federal, State, local and private programs affecting these youths.

(1) *Right of Privacy for Recipients of Services.*—(1) *Act Requirements.* Section 223(a) (16) requires that the State Plan "provide for procedures to be established for protecting the rights of recipients of services and for assuring appropriate privacy with regard to records relating to such services provided to any individual under the State Plan;"

(2) *Plan Requirement.* (a) The State Plan must describe the State's methods or procedures for protecting the rights of recipients of services and for assuring appropriate privacy of records, including access and use of records and safeguards.

(b) The State Plan must describe any State laws and regulations pertaining to this requirement.

(m) *Equitable Arrangements for Employees Affected by Assistance under this Act.* (Reserved)

(n) *Analysis and Evaluation.*—(1) *Act Requirement.* Section 223(a) (20) requires that "the State Planning Agency will from time to time, but not less often than annually, review its plan and submit to the administrator an analysis and evaluation of the effectiveness of the programs and activities carried out under the plan, and any modifications in the plan, including the survey of State and local needs, which it considers necessary;"

(2) *Plan Requirement.* After the first year of funding under the JJDP Act, the State Planning Agency must analyze and evaluate the effectiveness of the programs and activities carried out under the plan. The results of this analysis and evaluation should serve as an integral part of the planning process for the next year's comprehensive plan. The evaluation methodology should be the same as that employed in evaluating the effectiveness of programs and activities carried out pursuant to the Safe Streets Act.

(o) *Other Terms and Conditions.*—(1) *Act Requirement.* Section 223 a) (21) requires that the State Plan "contain such other terms and conditions as the administrator may reasonably prescribe to assure the effectiveness of the programs assisted under this title."

(2) *Plan Requirement.* In order to assure the effectiveness of the information clearinghouse and evaluation functions mandated for the National Institute for Juvenile and Delinquency Prevention, the State plan shall contain an assurance that the State planning agency will provide such information at such times as the National Institute for Juvenile Justice and Delinquency Prevention shall reasonably deem necessary to the effective accomplishment of its tasks, including, but not limited to, information concerning rates of delinquency, caseloads and performance of juvenile justice system agencies, delinquency prevention and treatment programs and plans, availability of resources, training and educational programs, and other pertinent statistics and data.

APPENDIX TO TESTIMONY OF RICHARD W. VELDE

Compendium of Outstanding LEAA Discretionary and Research Grants In The Juvenile Delinquency Area

RESEARCH GRANTS

I

Grantee.....	University of Michigan.
City, State.....	Ann Arbor, Mich.
Project director.....	Dr. Robert Vinter and Dr. Rosemary Sarri.
Project title.....	National Assessment of Juvenile Corrections.
Award amount.....	\$79,057.
Award period.....	July 1, 1974 to June 30, 1975.
Purpose.....	Conducting a survey of juvenile justice systems, juvenile courts and juvenile corrections in 16 States.

II

Grantee.....	College of William and Mary.
City, State.....	Williamsburg, Va.
Project director.....	Dr. Charles Thomas.
Project title.....	Impact of the Legal Process and Formal Legal Sanctions on Juvenile Delinquents.
Award amount.....	\$146,710.
Award period.....	Nov. 1, 1974 to Apr. 30, 1976.
Purposes.....	The project will test hypothesis derived from labeling theory, which suggests that formal adjudication of juveniles as delinquent may often increase rather than decrease the probability of his continued involvement in delinquency.

III

Grantee.....	Institute of Judicial Administration.
City, State.....	New York City, N.Y.
Project director.....	Mr. Wyane Mucci.
Project title.....	Juvenile Justice Standards Project.
Award amount.....	\$266,015.
Award period.....	June 1, 1974 to May 31, 1975.
Purposes.....	To develop legal and administrative standards for juvenile justice in 26 areas.

IV

Grantee----- University of Southern California.
 City, State----- Los Angeles, Calif.
 Project director----- Dr. Malcolm Klein.
 Project title----- Pivotal Ingredients of Police Diversion Programs.
 Award amount----- \$43,656.
 Award period----- July 1, 1974 to September 30, 1975.
 Purposes----- An examination of police diversion programs in 47 police departments in Los Angeles County.

V

Grantee----- National Council of Juvenile Court Judges.
 City, State----- Reno, Nev.
 Project director----- Dr. Lawrence Boxerman.
 Project title----- Juvenile Information Systems Requirements Analysis.
 Award amount----- \$124,291.
 Award period----- March 10, 1975 to March 9, 1976.
 Purposes----- This project will conduct a survey of the more than 40 juvenile justice information systems. The survey will examine the scope, requirements, methods, procedures and effectiveness of juvenile information systems.

VI

Grantee----- Center for Criminal Justice.
 Organization, City, State----- Harvard University, Cambridge, Mass.
 Project director----- Dr. Walter B. Miller.
 Project title----- Youth Gang Violence.
 Award amount----- \$48,890.
 Award period----- September 1, 1974 to August 31, 1975.
 Purposes----- This is a pilot study which is examining the nature and extent of youth gangs in the Nation's 20 largest cities.

VII

Grantee----- Center for Criminal Justice.
 Organization, city, State----- Harvard University, Cambridge, Mass.
 Project director----- Dr. Alden Miller.
 Project title----- An Evaluation of the Effects of Alternatives to Incarceration—Cohort Analysis.
 Award amount----- \$199,808.
 Award period----- Aug. 15, 1974 to Aug. 14, 1975.
 Purposes----- This project is evaluating the effectiveness of the community-based programs established by the Massachusetts Department of Youth Services since the closing of the training schools in 1972.

VIII

Grantee----- American Justice Institute.
 City, State----- Sacramento, Calif.
 Project director----- Mr. Robert Cushman.
 Project title----- Standards and Goals Task Force on Juvenile Justice.
 Award amount----- \$447,565.
 Award period----- Apr. 10, 1975 to June 9, 1976.
 Purposes----- This project will develop a volume of standards and goals in the area of juvenile justice. The standards and goals will be developed by a task force of 11 citizens and practitioners broadly representative of the Juvenile Justice System.

IX

Grantee----- Institute for Juvenile Research.
 City, State----- Chicago, Ill.
 Project director----- Dr. William Simon and Mr. Joseph Puntil.
 Project title----- Delinquency in American Society.
 Award amount----- \$361,749.
 Award period----- July 1, 1974 to June 30, 1975.
 Purposes----- This project is undertaking analyses of data collected in a statewide Illinois survey of 3,000 youth. This survey included self-reported measures of delinquent behavior.

X

Grantee----- University of Southern California.
 City, State----- Los Angeles, Calif.
 Project director----- Dr. Solomon Kobrin and Dr. Malcolm Klein.
 Project title----- Development of an Evaluation Plan for the Status Offender Program.
 Award amount----- \$57,455.
 Award period----- Feb. 1, 1975 to Nov. 30, 1975.
 Purpose----- To develop an evaluation plan for the deinstitutionalization of status offender program currently being implemented by the JJDPOTG. The evaluation plan will provide the basis for the future evaluation of the deinstitutionalization program.

XI

Grantee----- Center for Vocational Education.
 Organization, city, State----- Ohio State University, Columbus, Ohio.
 Project director----- Dr. Jerry Walker.
 Project title----- Phase I Assessment of Delinquency Prevention Program.
 Award amount----- \$143,600.
 Award period----- Feb. 15, 1975 to Sept. 15, 1975.
 Purposes----- To determine what is currently known about the operations and effectiveness of various delinquency prevention program types; what additional information could be provided through further evaluation; and the cost and value of performing those evaluations.

XII

Grantee----- University of Minnesota.
 City, State----- Minneapolis, Minn.
 Project director----- Andrew Rutherford.
 Project title----- Phase I Assessment: Diversion and Alternatives to Incarceration for Juveniles.
 Award amount----- \$306,300.
 Award period----- Mar. 15, 1975 to Oct. 15, 1975.
 Purposes----- To determine what is currently known about the operations and effectiveness of programs which provide alternatives to juvenile justice system processing (diversion) and alternatives to incarceration for juveniles.

XIII

Grantee----- Metropolitan College.
 Organization, city, State----- Boston University, Boston, Mass.

Project director----- Arnold Schuchter and Dr. Ken Polk.
 Project title----- Phase I Assessment of Youth Service Bureaus, Under National Evaluation Program.
 Award amount----- \$245,000.
 Award period----- July 15, 1974 to March 31, 1975—Final report under revision by grantee.
 Purposes----- To determine what is currently known about the operation and effectiveness of Youth Service Bureaus (YSB's) what additional information could be provided through further evaluation of YSB's, and what would be the cost and value of obtaining the additional information.

ACTION GRANTS

I

Grantee----- Utah State Law Enforcement Planning.
 City, State----- Logan, Utah.
 Subgrantee----- Utah State University, Logan, Utah.
 Project director----- Art Jones.
 Project title----- Multi-County Juvenile Justice Project.
 Award amount----- \$137,515.
 Award period----- Signed and obligated April 23, 1975.
 Purposes----- The USU program demonstrates Federal coordination activities between the Extension Service, USDA and LEAA. The project will provide diversionary programming for 200 juvenile court referrals; experimental and control measurements will relate Extension Service 4-H programming to the reduction of delinquent behavior.

II

Grantee----- American Public Welfare Association.
 Address----- 1155 16th St. NW., Washington, D.C.
 Project director----- Nora Kalb Booker.
 Project title----- American Public Welfare Youth Community Coordination Project.
 Award amount----- \$285,840.
 Award period----- Nov. 1, 1974 to Oct. 30, 1975.
 Purposes----- The American Public Welfare Association (APWA), a voluntary nonprofit organization, will be implementing this comprehensive project to develop better mechanisms of coordination between the Juvenile Justice System and other human service agencies. The project has two components: a community component, and the APWA component. The community component is divided into two phases: (1) Data collecting regarding statutory mandates, policies, procedures, et cetera, of juvenile justice agencies and other human service agencies; and (2) development of coordination forums to examine the data and develop better mechanisms for agency interfacing in order to provide more comprehensive service to youth, thus reducing the likelihood of Criminal Justice System involvement. The APWA component will include staff selection and training; instrument development for the data collection; observation of the processes of coordination; and the development and dissemination of a report about these processes and steps necessary for effecting more effective coordination.

III

Grantee----- National Council of Juvenile Court Judges.
 City, State----- Reno, Nev.
 Project director----- Hunter Hurst III.
 Project title----- National Center for Juvenile Justice.
 City, State----- Pittsburgh, Pa.
 Award amount----- \$199,135.
 Award period----- July 1, 1974 to June 30, 1975 (second-year continuation).
 Purposes----- This project seeks to assist in making the problems of juvenile justice and youth problems a national priority for resolution, to collect relevant information, statistics, and knowledge concerning juvenile justice; to analyze, coordinate, and conduct research within the field; and to provide technical assistance and information throughout the Juvenile Justice System.

IV

Grantee----- State of New York, Division of Criminal Justice Services, Office of Planning and Program Assistance.
 City, State----- New York, N.Y.
 Subgrantee----- Henry Street Settlement, 265 Henry St., New York, N.Y.
 Project director----- Anne D. Rudenstine.
 Project title----- Henry Street Supported Employment Diversionary Program for Criminal Justice System—Involved Adolescents.
 Award amount----- \$181,104.
 Award period----- October 15, 1974 to January 14, 1976.
 Purposes----- The purpose of this part-time supported work program for adolescents who have entered the Juvenile Court System is to test whether the integration of supported work experiences with counseling, education, recreation and other services and activities can reduce incidences of antisocial and delinquent behavior.

V

Grantee----- National Board of YMCA's—National Youth Project Using Minibikes.
 Address----- 714 W. Olympic Blvd., Los Angeles, Calif.
 Project director----- Fred Y. Hoshiyama.
 Project title----- National Youth Project Using Minibikes (NYPUM).
 Award amount----- \$677,688.
 Purposes----- NYPUM is a juvenile delinquency prevention, diversion and rehabilitation project using the small group outreach methodology of the National Board of YMCA's. NYPUM works with hard-to-reach junior high school youth, ages 11 to 15, and uses minibikes as outreach tools to establish rapport between the youth and the outreach worker. The project goals for the fourth and final funding year are to: (1) Divert 2,250 adjudicated youth into NYPUMs and to achieve for these youth, while they are in the program and for six months thereafter, a significantly less recidivism rate than equivalent offenders in the community; and (2) to serve 3,150 delinquency prone and/or arrested youth in NYPUM and to achieve for these youth truancy and arrest records significantly less than for equivalent offenders in that community.

VI

Transfer to region I

Grantee..... Maine SPA.
 City, State..... Augusta, Maine.
 Subgrantee..... Office of the Governor.
 Project director..... Charles Sharpe.
 Project title..... Children and Youth Services Delinquency System.
 Award amount..... \$314,631.
 Award period..... July 1974 to July 1976.
 Purpose..... To provide a concentrated effort which focuses on the improvement of the coordinated delivery of services to youth.

VII

Transfer to region II

Grantee..... Essex County, New Jersey Administrative Office of the Courts.
 City, State..... Newark, N.J.
 Project director..... None.
 Project title..... Essex County Juvenile and Domestic Relations Court.
 Award amount..... \$323,783.
 Award period..... January 1975 to January 1976.
 Purpose..... To establish an innovative court intake unit which will reduce detention commitments and formal court processing with 100 percent of detained youth receiving court hearings within 24 hours of initial detention.

VIII

Transfer to region I

Grantee..... Massachusetts SPA.
 City, State..... Boston, Mass.
 Subgrantee..... Mayor's Office of Criminal Justice, Boston.
 Project director..... Kenneth Shaffer.
 Project title..... Boston Youth Advocacy Project.
 Award amount..... \$294,880.
 Award period..... September 1, 1974 to September 1, 1975.
 Purposes..... To respond to both short-term school desegregation problems and long-term delinquency prevention issues in the Boston school system.

IX

Transfer to region I

Grantee..... National Council of Juvenile Court Judges.
 City, State..... Reno, Nev.
 Project director..... None.
 Project title..... New England Juvenile Court Judges Training Institute.
 Award amount..... \$9,165.
 Award period..... October 1974.
 Purposes..... To train juvenile court judges in the New England area.

X

Transfer to region I

Grantee..... Connecticut SPA.
 City, State..... Bridgeport, Conn.
 Subgrantee..... Connecticut Department of Children and Youth Services.
 Project director..... Commissioner Francis Maloney.

Project title..... National Management and Training Seminar for Juvenile Delinquency Program Administration.
 Award amount..... \$20,520.
 Award period..... September 1974 to April 1975.
 Purposes..... To hold a training seminar for juvenile delinquency program administrators around the country to exchange information and develop problem-solving approaches.

XI

Transfer to region I

Grantee..... Juvenile Court.
 City, State..... Hartford, Conn.
 Project director..... None.
 Project title..... Neighborhood Probation Office.
 Award amount..... \$88,324.
 Award period..... July 1974 to July 1975.
 Purposes..... To provide a decentralized delivery of court and probation services to youth in the neighborhood, handling all significant transactions from referral to disposition.

XII

Transfer to region I

Grantee..... Juvenile Court.
 City, State..... Bridgeport, Conn.
 Project director..... None.
 Project title..... Case Assessment Unit.
 Award amount..... \$234,621.
 Award period..... July 1974 to July 1975.
 Purposes..... To establish an intake unit to conduct a total assessment of children referred to court to determine needs and services which should be provided.

XIII

Transfer to region I

Grantee..... Vermont SPA.
 City, State..... Montpelier, Vt.
 Subgrantee..... Washington County Council of Human Services.
 Project director..... Ken Ley, Ph. D.
 Project title..... Washington County Youth Service Bureau.
 Award amount..... \$100,000.
 Award period..... July 1, 1974 to June 31, 1975.
 Purposes..... To aid in the diversion of youth from the criminal justice system by both providing direct services and coordinating the existing community services.

XIV

Grantee..... Rock Island Board of Education.
 City, State..... Rock Island, Ill.
 Project director..... Mr. Don Jones.
 Project title..... Center for Youth Services.
 Award amount..... \$168,454.
 Award period..... June 15, 1974 to June 14, 1975.
 Purposes..... It is a program that purports to create positive peer groups in the schools meeting daily to help youth resolve problems which lead to physical violence, delinquency and dropping out of school. The project objectives are: (1) Reduce number of court petitions on students by 50 percent; (2) reduce dropout rate by 35 percent; and (3) reduce number of violent incidents in school by 50 percent.

Mr. VELDE. I would be pleased to respond to any questions you may have, sir.

Senator BAYH. I do have some questions, Mr. Velde, and I do appreciate your being here.

As I said earlier, as chairman of this subcommittee, I have appreciated your cooperation and your sensitivity relative to congressional desire. We approach this whole problem with different perspectives, but that does not mean that we have or need to agree on all aspects. But certainly, I think if we are going to succeed, we must have this kind of cooperation. We all have much to gain from it, and a great deal to lose without this kind of cooperation. I appreciate it.

IS LEAA PREPARED TO IMPLEMENT ACT?

The questions that I might ask, relative to past programmatic efforts, will only be based on our efforts to try to move on ahead and assess where we were and are today. I assume from what you told us that you are prepared now for the full implementation of this act, if you have the resources and the mandate to do that from the executive branch.

Is that accurate?

Mr. VELDE. Yes, sir. I make that statement with the following consideration: There is an existing administrative structure in LEAA. To the extent of available resources, we have been able to move ahead in a number of these areas, utilizing existing mechanisms. It is not as if there has been no action at all since the program was authorized and signed into law.

Senator BAYH. If you had received the full authorization for fiscal 1975, how would you have allocated that under the act?

Mr. VELDE. We developed several contingency plans, assuming various levels of funding under the act. We prepared in-house estimates for four different appropriation levels.

Senator BAYH. Considering everything that has been said by various officials, I do not suggest that it is unreasonable to not have anticipated the full 1975 appropriation. Just as a benchmark, I would like to see what we might have expected if we had had the kind of infusion of resources that we were shooting for—personnel and programs that could have been instituted.

Last September, when President Ford signed the act, he said, and I quote: "I do not intend to seek appropriations for the new programs authorized in the bill in excess of amounts included in the 1975 budget, until the general need for restricting Federal spending is abated."

In view of the President's statement, you requested that OMB grant permission to make up to \$20 million of previously appropriated funds available for juvenile programs. It is my understanding that both Houses of the Congress concurred in this reprogramming, and additionally, you began to explore personnel alternatives to—as you said in an October 17 letter to me—permit the immediate assignment of responsibilities and initiation of new programs

mandated by the act. Now you have discussed in your statement some of these initiatives.

[EXHIBIT NO. 6]

SEPTEMBER 16, 1974.

HON. WILLIAM B. SANBEE,
Attorney General,
Department of Justice,
Washington, D.C.

DEAR MR. ATTORNEY GENERAL: As you know, the President recently signed the Juvenile Justice and Delinquency Prevention Act of 1974 (Public Law 93-415). The new program for juvenile justice and delinquency prevention, the Coordinating Council and the Advisory Committee established by Public Law 93-415 can provide the leadership, coordination and resources, heretofore inadequate at the national level, necessary to assist those working throughout the Nation to deal more effectively with the ever escalating incidence of juvenile delinquency and juvenile crime.

In preparation for a supplemental appropriation for the new program, I am presently reviewing the law's various mandates. In this regard, your Department's assessment of the personnel and resources necessary to fully implement the program would be especially instructive and appreciated.

Those of us who participated in the 3-year bipartisan effort which led to passage of S. 821, the Juvenile Justice and Delinquency Prevention Act, look forward to working with you and your staff as the Department of Justice responds to the congressional mandate embodied in Public Law 93-415.

With warm regards.

Sincerely,

BIRCH BAYH,
Chairman.

OCTOBER 17, 1974.

HON. BIRCH BAYH,
Chairman, Subcommittee on Juvenile Delinquency, Committee on the Judiciary,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your letter to the Attorney General seeking the assessment of the Department of Justice regarding the personnel and resources necessary to fully implement the recently enacted Juvenile Justice and Delinquency Prevention Act of 1974 (Public Law 93-415).

As I am sure you are aware, the President indicated when he signed the legislation that there was a general need to restrict spending by the Federal Government due to current economic difficulties. With this in mind, the Law Enforcement Assistance Administration has been carefully studying means that would allow adequate implementation of the act's programs, while at the same time conserving Federal resources.

We are requesting permission to make up to \$20 million of previously appropriated funds available for juvenile justice and delinquency prevention programs. We are also exploring personnel alternatives to permit the immediate assignment of responsibilities and initiation of the new programs mandated by the act.

We believe that is absolutely essential that funds and positions be available if LEAA is to initiate programs or provide assistance designed to lay the groundwork to meet our congressional mandate. While the use of previously appropriated funds would not result in an increase in obligational authority this fiscal year, it will enable us to place special emphasis on those juvenile delinquency problems deemed most urgent, provide technical assistance which is imperative if we are to truly impact on the many problems associated with juvenile delinquency, and cover the administrative support costs of the personnel required.

If all of the appropriate concurrences in our request are received, LEAA will have available for central office distribution for fiscal year 1975 approximately \$40 million—the \$20 million previously appropriated, plus some fiscal year 1975 discretionary funds—for programs dealing with juvenile justice and delinquency prevention and to implement other aspects of the legislation. This will provide a firm foundation on which to base an expanded fiscal year 1976 appropriation request for programs under the new act.

Your interest in this matter and in the programs of the Law Enforcement Assistance Administration is appreciated.

Sincerely,

RICHARD W. VELDE,
Administrator.

Mr. VELDE. Yes, sir.

Senator BAYH. What has happened with them? Has there been anything more that you would like to discuss with us relative to the two initiatives?

OMB'S IMPACT ON IMPLEMENTATION OF ACT

Do you want to give us your assessment of what the impact of OMB, relative to reprogramming, was on the implementation of the act?

Mr. VELDE. If the funds contained in the reprogramming request are not made available, the level of funds for implementation programming will be reduced.

Senator BAYH. Right now they have been rejected, have they not? They have been rejected! After you made the requests and Congress concurred in the reprogramming; OMB decided that they would exercise their informal veto? OMB reneged didn't they?

Mr. VELDE. No, Mr. Chairman. The request is still pending and has not been finally disapproved. I understand that it is now under consideration for final decision at the highest levels in the executive branch.

Senator BAYH. When did you make that request?

Mr. VELDE. Our initial implementation plan, which was a condition of the reprogramming request, was submitted to the Department of Justice by LEAA on January 10. On February 3, the plan was submitted to the Office of Management and Budget. On February 28, OMB did send a letter to the Department denying the reprogramming request. However, as a result of a meeting between the Attorney General and Mr. Lynn, OMB agreed to reconsider that denial.

Senator BAYH. Can you give us some assessment—as best you can—as to what causes the winds to blow in different directions? We have here a letter of December 5, to Senator Pastore from Assistant Attorney General Pommerening, saying that the OMB had given approval to his request. And then, here we are rapidly moving toward May—almost one-half year later—and that money has not been forthcoming.

Congress concurred in the need and gave their approval. What happened?

[EXHIBIT NO. 7]

DECEMBER 5, 1974

HON. JOHN O. PASTORE,
Chairman, Subcommittee on Departments of State, Justice, Commerce, the Judiciary and Related Agencies of the Committee on Appropriations, U.S. Senate,
Washington, D.C.

DEAR SENATOR PASTORE: This is to request approval for the Law Enforcement Assistance Administration (LEAA) to reprogram up to \$20,000,000 in funds appropriated under the Omnibus Crime Control and Safe Streets Act to be

obligated under the "block grant" component of part C of the act. These are funds which were appropriated and obligated to the States in prior years and which have been or will be allowed by the States to revert to LEAA. Ordinarily, LEAA would reobligate such reversionary funds to the other States; however, it is proposed that they be reprogrammed to several other budget activities in order to permit LEAA to carry out several targeted juvenile justice and delinquency prevention initiatives.

The budget activities into which these reversionary funds would be reprogrammed are Part B, Planning; Part C, Discretionary; Part D, Technology Analysis, Development and Dissemination; Part F, Technical Assistance, and Management and Operations.

While this reprogramming authority would not address directly LEAA's new mandate under the Juvenile Justice and Delinquency Prevention Act of 1974, it would represent an initiative in recognition of the increased responsibilities that exist in this area. Specifically, the new act requires LEAA to develop, implement and conduct effective methods and programs to prevent and reduce juvenile delinquency, including the diversion of juveniles from the traditional Juvenile Justice System and the provision of alternatives to institutionalization; to increase the capacity of State and local governments, as well as public and private agencies, to conduct effective juvenile justice and rehabilitation programs, and to provide research, evaluation and training services in the field of juvenile delinquency prevention.

The need for a sustained national effort in this area was indicated repeatedly during the hearings prior to the passage of the act. The President has expressed his intention not to seek new appropriations during the current fiscal year for the newly authorized programs because of his determination to restrain Federal spending. The Department and LEAA have been seeking alternative means to implement juvenile justice initiatives, and the reprogramming of reversionary funds is the most desirable means available. Enclosed is a brief paper outlining in somewhat more specific terms the nature of the program that would be carried out with the reprogrammed funds. LEAA has also been required to submit a detailed description of program priorities, administrative procedures to assure effective implementation, and the evaluation component which will assure comprehensive program assessment in future years.

Because of the large and serious responsibility assigned to LEAA in this area and because this reprogramming would not result in an increase in new obligational authority this year, we look forward to favorable and early consideration of this request. The Office of Management and Budget has given its approval of this request.

Sincerely,

GLEN F. POMMERENING,
Assistant Attorney General for Administration.

REQUEST CONDITIONED ON OMB APPROVAL

Mr. VELDE. Well, sir, the original request to Congress was conditioned on OMB approval of the implementation plan. There are a number of factors which OMB might have taken into consideration. I would not want to speculate on OMB's behalf. I understand a witness from OMB will be here later this morning.

Certainly, overall economic conditions, the state of the budget and the long-term impact of the startup of such a program are factors that were considered.

Senator BAYH. Well, it would seem to me if we are to get long-term startup times, we should at least provide some early-on money for planning. Like Mr. Staats pointed out, what you are really having to do is borrow from Peter to pay Paul to get this thing moving. You are not really getting the kind of new money you need to make a commitment to startup a rather comprehensive program. You are really scraping the bottom of the barrel to try to use what opportunity you have.

Right now you are operating with one hand tied behind your back.

Mr. VELDE. We are utilizing our existing resources in the best possible fashion so as to comply with congressional intent.

Senator BAYH. It is fair to say that if you had that \$20 million back in December or January, you could be doing a lot better job now than you are.

Mr. VELDE. It is fair to say our implementation plans would be moving ahead faster than they are now, yes, sir.

Senator BAYH. Now, am I right in my understanding that you proposed several level budgets to the Department of Justice for fiscal 1976, varying levels of implementation?

Mr. VELDE. We had an option paper prepared by our budget staff and our juvenile justice program group internally. Only one recommendation went forward to the Department.

I have already indicated, Mr. Chairman, that I will make those estimates available to the subcommittee.

Senator BAYH. In other words, after a preliminary multilevel funding approach, you found in favor of one?

Mr. VELDE. Yes. That final amount was arrived at after consideration of numerous factors including the overall amount the Department could have expected to receive for the coming fiscal year.

[EXHIBIT NO. 8]

LEAA BUDGET JUSTIFICATION FOR \$40 MILLION FISCAL YEAR 1976 JUVENILE JUSTICE AND DELINQUENCY PREVENTION APPROPRIATION—(REJECTED BY OFFICE OF MANAGEMENT AND BUDGET)

JUSTIFICATION OF PROGRAM INCREASES

8. Juvenile justice and delinquency prevention program \$38,800,000: (a) Allocation to States according to population under the age of 18 \$23,000,000; (b) Special emphasis prevention and treatment programs \$10,000,000; (c) Technical assistance \$500,000; (d) Concentration of Federal effort \$500,000; and (e) National institute for juvenile justice and delinquency prevention \$4,800,000.

The enactment of the Juvenile Justice and Delinquency Prevention Act of 1974 is a major move to significantly strengthen Federal efforts to provide an immediate and comprehensive approach to combat juvenile delinquency and improve juvenile justice in the United States. Congress has declared that existing Federal programs have not provided the direction, coordination, resources, and leadership required to meet the crisis of delinquency and has called for immediate and comprehensive action by the Federal Government to reduce and prevent delinquency. To carry out this mandate, Congress has established within LEAA an Office of Juvenile Justice and Delinquency Prevention charged with the task of providing the resources, leadership and coordination necessary to develop and implement new and innovative programs, assure continuity of existing Federal juvenile justice programs while unifying Federal initiatives to achieve a coordinated approach to the problems of juvenile justice, delinquency prevention and control.

a. Allocation to States according to population under the age of 18 \$23,000,000. Funds are requested for grants to States and local governments to assist them in planning, establishing, operating, coordinating, and evaluating projects directly or through contracts with public and private agencies for the development of more effective education, training, research, prevention, diversion, treatment, and rehabilitation programs in the area of juvenile delinquency and programs to improve the juvenile justice system. A portion of each State allocation will be available to develop a State plan and to pay for expenditures which are necessary for efficient administration, provided these costs are in excess of 15 percent of the annual amount.

States involved in this program would devote the bulk of their limited resources to selected objectives set out in the law. The program areas include: community-based programs and services for the prevention and treatment of juvenile delinquency; community-based programs and services to work with parents and other family members to maintain youth service bureaus and other community-based programs to divert youth from the juvenile court or to support and counsel delinquents and youth in danger of becoming delinquent; comprehensive programs of drug and alcohol abuse education and prevention and programs for the treatment and rehabilitation of drug addicted youth; educational programs or supportive service designed to keep delinquents and other youth in schools or alternative learning situations; expansion of the use of probation and to recruit and train probation officers, other professionals and paraprofessional personnel and volunteers to work effectively with youth; youth initiated programs and outreach programs designed to assist youth who otherwise would not be reached by assistance programs; and provision of statewide programs using probation subsidies, financial incentives, or disincentives to units of local government or other effective means designed to reduce the number of commitments of juveniles to any form of juvenile facility, increase the use of nonsecure community-based facilities as a percentage of total commitments to juvenile facilities, and discourage the use of secure incarceration and detention. Exhibit I distributes the funds by State.

b. Special emphasis prevention and treatment programs \$10,000,000. Funds are requested for grants and contracts with public and private agencies, organizations, institutions or individuals to develop and implement new approaches, techniques, and methods with respect to juvenile delinquency programs. The act stresses the need for developing and maintaining community-based facilities as alternatives to traditional forms of institutionalization, developing and implementing effective means of diverting juveniles from the traditional juvenile justice and correctional systems, improving the capability of public and private agencies and organizations to provide services for delinquents and youths in danger of becoming delinquents, and development model programs and methods to keep students in elementary and secondary schools or alternative learning situations and to prevent unwarranted and arbitrary suspensions and expulsions.

All programs funded under this section are to be evaluated and continuation funding will be available for those projects which receive a positive evaluation. Such projects can then serve as models or be replicated to reduce juvenile crime and delinquency.

The act provides that not less than 25 percent or more than 50 percent of funds appropriated shall be available for special emphasis. Thus, it is clear through both the title "Special Emphasis," and the magnitude of the funding mandated, Congress intends this to be a significant effort.

c. Technical assistance \$500,000.

Recognizing the complexity of the act, Congress has directed LEAA to provide technical assistance to Federal, State and local governments, courts, public and private agencies, institutions and individuals. The technical assistance effort will focus on the areas of planning, establishment, funding, operation, and evaluation of juvenile delinquency programs. The emphasis on new and innovative programs, and the massive changes in programs and organizations, which are either mandated or implied in the act, will require substantial technical assistance to all groups involved in carrying forth the purposes of the act to assure adherence to the letter as well as the spirit of the law.

d. Concentration of federal efforts \$500,000.

The Administrator of LEAA, through the Office of Juvenile and Delinquency Prevention, is responsible for the development and implementation of overall policy objectives and priorities for all Federal juvenile delinquency programs and activities; advising the President about matters relating to juvenile delinquency programs and policies; assisting operating agencies with the development and promulgation of guidelines and regulations; conducting and supporting evaluations and studies of Federal juvenile delinquency programs; and the development of annual reports and an annual plan for all juvenile delinquency programs.

e. National institute for juvenile justice and delinquency prevention \$4,800,000.

Part C of the Juvenile Justice and Delinquency Prevention Act of 1974 establishes within the Office of Juvenile Justice and Delinquency Prevention

a National Institute for Juvenile Justice and Delinquency Prevention. The funds requested will enable the Institute to carry out its congressional mandate to provide research, demonstration, and evaluation; training; information; and the development of standards for juvenile justice.

In the areas of research, demonstration, and evaluation, the Institute will conduct, encourage, and coordinate research and evaluation into any aspect of juvenile delinquency; encourage the development of demonstration projects in new, innovative techniques and methods to prevent and treat juvenile delinquency; provide for the evaluation of all juvenile delinquency programs assisted under title II of the act and any other Federal, State, or local juvenile delinquency program, upon request of the Administrator of LEAA; prepare necessary studies for the prevention and treatment of juvenile delinquency; and disseminate the results of evaluation, research, demonstrations, and other pertinent data to individuals, agencies, and organizations concerned with the prevention and treatment of juvenile delinquency.

Section 249 of the act provides for the establishment of a training program within the Institute. The legislation requires the Institute to undertake a comprehensive effort to develop, conduct and provide training programs for persons now working with or preparing to work with juveniles and juvenile offenders; develop, conduct, and provide for seminars, workshops, and training programs in the most effective techniques and methods of prevention, control, and treatment of juvenile delinquency for persons engaged in the juvenile justice system; and to develop technical training teams to assist State and local agencies in the development of training programs for preventing and treating juvenile delinquency. The legislation further requires the Institute to develop a curriculum responsive to training requirements mentioned above.

Funds are also necessary to permit the Institute to carry out its responsibilities to serve as a clearinghouse and provide for the collection, preparation, publication, and dissemination of information regarding juvenile delinquency; the availability of resources, training and educational programs, statistics, and other pertinent data and information.

In compliance with section 247 of the act, the National Institute will revise existing reports, data, and standards relating to the juvenile justice system in the United States and develop recommended standards for the administration of juvenile justice at the Federal, State, and local level, including recommendations for action to facilitate the adoption of these standards.

9. *Management and operations* (\$21,000,000 in 1975) an increase of 51 positions and \$1,200,000: (a) Office of juvenile justice and delinquency prevention, 40 positions and \$912,000; (b) Office of regional operations, an increase of 10 positions and \$270,000; and (c) Office of operations support, an increase of 1 position and \$18,000.

(a) *Office of juvenile justice and delinquency prevention, 40 positions and \$912,000.* The Juvenile Justice and Delinquency Prevention Act, signed in law September 7, 1974, established within LEAA the Office of Juvenile Justice and Delinquency Prevention. The act substantially revises and extends existing Federal laws and places primary responsibility within the Office of Juvenile Justice and Delinquency Prevention for providing direction, leadership and coordination of Federal juvenile delinquency prevention efforts and for administering the delinquency prevention and juvenile justice programs authorized in the act. Forty positions are requested for the Office to lay the groundwork to meet its congressional mandate. [Exhibit II illustrates the proposed organization structure and related functions of the new Office.]

The legislation authorizes a far-ranging new program to combat delinquency and specifically emphasizes the need for new and innovative programs with primary focus on new approaches, techniques, and methods. Three juvenile justice program specialists are needed to develop and implement effective methods of preventing and reducing juvenile delinquency—develop and conduct effective programs to prevent delinquency, divert juveniles from the traditional juvenile justice system, and provide critically needed alternatives to institutionalization. These programs are designed to serve as models which can be utilized or replicated to reduce juvenile crime and delinquency. In addition, two clerical positions are also requested to support and increase the effectiveness and productivity of the professional staff.

The impetus behind the development of this act emerged from a lack of concentrated Federal effort in the area of juvenile justice. The pervasive

of the act emphasized the need for one focal point within the Federal Government responsible for coordinating all aspects of juvenile justice and delinquency prevention. Three professionals and one clerical position are requested to provide policy and priority development for all Federal juvenile delinquency programs; assist other Federal agencies in the development and promulgation of guidelines and procedures; develop and evaluate a comprehensive Federal plan for juvenile justice; develop theoretical models of coordination; implement model programs to test coordination mechanisms among various Federal, regional, and local agencies; and prepare annual reports as required by law.

To assist in the accomplishment of the legislative mandates, Congress has provided, in addition to the Office of Juvenile Justice and Delinquency Prevention, for the establishment of a Coordinating Council on Juvenile Justice and Delinquency Prevention, and a National Advisory Committee for Juvenile Justice and Delinquency Prevention. One professional and one clerical position are requested to administer the operations of the Coordinating Council on Juvenile Justice and Delinquency Prevention. Funds are also requested for the Coordinating Council on Juvenile Justice and Delinquency Prevention to cover travel costs associated with functions of the Council.

Four program specialists are requested to provide specialized technical assistance to define and develop innovative programs in light of local as well as national conditions, bringing together innovative policymakers and practitioners to help maintain an ongoing process of innovation; work in high crime areas to develop comprehensive coordinated programs to reduce and control juvenile crime; assist voluntary agencies in their new role of juvenile justice programming; translate information from research and evaluation and the information clearinghouse into programmatic efforts and prescriptive packages, and translate standards and goals into programmatic efforts. With the thrust on innovation, an ongoing process of planned change will be required. In addition, one clerical position is required to adequately support the program staff.

To provide overall policy and direction to assure the effective execution of program responsibilities assigned to the Office, four professional positions are requested for the Office of the Assistant Administrator. The positions include an Assistant Administrator, two deputies whose specific responsibilities are set forth in the legislation, and a special assistant. Three clerical positions are also requested to perform secretarial and receptionist services for the Office.

Part C of the Juvenile Justice and Delinquency Prevention Act of 1974 establishes within the Office of Juvenile Justice and Delinquency Prevention a National Institute Justice and Delinquency Prevention to serve as a research and information center and provide training in the treatment and control of juvenile offenders; demonstrate and evaluate projects established by the Institute or other Federal juvenile programs; and develop and implement standards for juvenile justice. (Exhibit III reflects the proposed organization structure and related functions.)

Four professional and one clerical position are requested to conduct, encourage, and coordinate research and evaluation in any aspect of juvenile delinquency; encourage the development of demonstration projects in new, innovative techniques and methods to prevent and treat juvenile delinquency; prepare such studies as considered necessary with respect to the prevention and treatment of juvenile delinquency and related matters, and disseminate pertinent data and studies (including a periodic journal) to individuals, agencies, and organizations concerned with the prevention and treatment of juvenile delinquency. A major responsibility mandated of the Institute is the evaluation of all special emphasis programs supported under this act.

Four professional and two clerical positions are requested to develop, conduct, and provide national training programs, seminars, and workshops; develop a national training program within the Institute and permit the in-house development of a curriculum for this program; and develop technical training teams to assist State and local agencies in the development of training programs for preventing and treating juvenile delinquency. Such programs will be geared to persons preparing to work with juveniles and juvenile offenders and persons engaged in or connected with the prevention and treatment of juvenile delinquency.

To fulfill its mandate to serve as an information bank and clearinghouse, two professional and one clerical position are needed in the Institute to collect, prepare, publish, and disseminate all information regarding juvenile delinquency, the availability of resources, training and educational programs, statistics, and other pertinent data and information.

Two professional and one clerical position are also needed to review existing reports, data, and standards relating to the juvenile justice system in the United States and develop recommended standards for the administration of juvenile justice at the Federal, State, and local level, including recommendations for Federal, State, and local action to facilitate the adoption of these standards.

(b) *Office of regional operations, an increase of 10 positions and \$270,000.* Ten juvenile delinquency program specialists are requested—one for each regional office. These specialists will assist in the development of consistent guidelines for State plans; provide expertise and guidance to the States in the development of their comprehensive juvenile justice plan; and perform the necessary review of the plans to assure compliance with the letter as well as the spirit of the law. The specialists will also monitor the implementation of the State plans; provide limited technical assistance; and share in the responsibility for monitoring special emphasis grants in their region.

(c) *Office of operations support, an increase of 1 position and \$18,000.* The creation of a new office to accomplish the functions established by the Juvenile Justice and Delinquency Prevention Act of 1974 will require additional Office of Operations staffing to provide necessary support.

One personnel specialist is required in the Personnel Division to recruit and place new personnel and process personnel actions on a continuing basis.

Allocation of juvenile justice and delinquency prevention block funds by State

State	Allocation	State	Allocation
Alabama	\$360,000	New Hampshire	\$200,000
Alaska	200,000	New Jersey	695,000
Arizona	200,000	New Mexico	200,000
Arkansas	200,000	New York	1,705,000
California	1,944,000	North Carolina	514,000
Colorado	224,000	North Dakota	200,000
Connecticut	296,000	Ohio	1,094,000
Delaware	200,000	Oklahoma	243,000
District of Columbia	200,000	Oregon	202,000
Florida	614,000	Pennsylvania	1,122,000
Georgia	479,000	Rhode Island	200,000
Hawaii	200,000	South Carolina	278,000
Idaho	200,000	South Dakota	200,000
Illinois	1,107,000	Tennessee	387,000
Indiana	536,000	Texas	1,171,000
Iowa	283,000	Utah	200,000
Kansas	216,000	Vermont	200,000
Kentucky	324,000	Virginia	464,000
Louisiana	404,000	Washington	338,000
Maine	200,000	West Virginia	200,000
Maryland	402,000	Wisconsin	462,000
Massachusetts	546,000	Wyoming	200,000
Michigan	948,000	American Samoa	50,000
Minnesota	402,000	Guam	50,000
Mississippi	245,000	Puerto Rico	343,000
Missouri	452,000	Virgin Islands	50,000
Montana	200,000	Trust Territory	50,000
Nebraska	200,000		
Nevada	200,000	Total	23,000,000

ASSESSMENT FOR OPERATIONAL NEEDS

Senator BAYH. Who makes the assessment of how you ought to run your shop? You cannot operate in a vacuum. I am sure you have heard me express a great deal of sensitivity about people who are given a task of running an agency, a bureau, or administering a program, and then being handcuffed by others who do not have operational responsibility.

Are you given an opportunity to make a professional assessment of what it takes to run the job, or do you crank in a tax pro-

and assess what is going to happen to industrial production or someone else, before you are permitted to make a professional judgment?

Mr. VELDE. Sir, we obviously have the authority and responsibility to prepare the best estimates of what our funding requirements and needs are for various fiscal years. There are others in the executive branch of Government who have to take into consideration the big picture.

Senator BAYH. I understand that. But you see, you are a professional with a job to do—to run LEAA. And one of the responsibilities is administering this program.

If I am sitting—to take a wild example—as, let us say, the President, or the head of the Domestic Council advising the President, or as the top man in OMB, and I get a request from a man whose judgment I respect as a professional, which has been watered down or shaped by other forces; perhaps I am not able to put as much reliance on your emphasis of the program as I would otherwise.

Well, without belaboring that, would you give us, for the record the high, medium and low level programs that you discussed?

Mr. VELDE. I would be pleased to supply that for the record.¹ I do not happen to have those documents with me.

Senator BAYH. I would assume those were your earliest estimates, before you looked back in your Economics I textbook and tried to figure out what the stock market would do to your request. You will pardon me for being just a little bit facetious, here, which I should not be.

Could you tell us the amount of your ultimate request?

Mr. VELDE. \$40 million.

Senator BAYH. What happened to that? Was it forwarded to the White House?

PRESIDENTIAL DECISION TO DENY BUDGET

Mr. VELDE. It was forwarded to the Department, which in turn, forwarded it to OMB, which in turn, submitted it to the President. My understanding is that the President made the decision not to include the money in the 1976 budget.

Senator BAYH. But the Department did forward that to the White House?

Mr. VELDE. Yes sir.

Senator BAYH. Was your agency involved in any formal discussions with OMB about this decision? Were you brought into the channel of communication?

Mr. VELDE. In September, when our budget request for the agency was being considered we did undergo an extensive review by the Department of Justice, as well as by OMB. The departmental review team was headed by the Deputy Attorney General.

Thus, before the details of the President's budget were finally agreed upon, this matter was discussed formally at the Department and OMB by LEAA.

¹ See Appendix, pp. 281-287.

Senator BAYH. I may not have asked the question exactly the way I should have.

I was referring to the request that you made for the implementation of the Juvenile Justice Act.

Mr. VELDE. The \$40 million that we requested be included in the administration's fiscal 1976 budget?

Senator BAYH. It is hard for me to understand how you could have had a great deal of input in the decision not to spend the funds you were requesting in the implementing act; if, indeed, the input you had in this discussion occurred before the act was law.

Mr. VELDE. We make projections and estimates of what our needs are going to be for a number of fiscal years in the future. Our request for funds for the new program was based upon our assessment of the likelihood of new authority coming to us. We made plans based on our estimates of what authority we might have in the new fiscal year.

As another example, we made an estimate for request of funds to implement new authority which Congress ultimately did not pass last year. This estimate was later removed from our budget request. I am referring to the Public Safety Officers Death Benefits program. The Senate passed one version and the House passed another. The conferees never resolved the differences.

We made estimates on necessary funding, based on either the House version or the Senate version, on the contingency that either one, with some modification, might become law.

Senator BAYH. I am not being critical of your assessment. I am trying to find out if, indeed, you—as the man charged with implementing what you thought would be new programs—or your advice or counsel was sought before the decision to turn down your request was made.

Mr. VELDE. Yes, sir. We did have consultation with the Department and with OMB before the final decisions were made. OMB did recommend to the President that the \$40 million be included in the 1976 budget. But the President had to make the hard decision based upon the overall big picture of the Federal spending situation. Our request represented one of approximately 1,200 Federal aid programs where some very difficult decisions had to be made and cutbacks ordered.

LEAA took a \$110 million cut in its current budget. Additionally, a decision was made not to include our request for funds for the new program.

Senator BAYH. Let me ask you, to help us resolve some conflicting assessments of the kinds of commitment the Nation has been making in the juvenile delinquency area.

In your statement today, as I recall, you specified that back in 1972 we were funding \$112 million to this program. When the President signed the bill into law, he specified we were spending \$155 million. OMB claims, in their special analysis of budgeting that we are going to be spending \$177 million—we will have a chance to ask them how this figure was derived.

I note the following testimony from LEAA before this subcommittee: On June 27, 1973, during fiscal 1972, LEAA awarded nearly \$140 million on a wide ranging juvenile delinquency program, and then this is broken down. I will put that in the record now.

[EXHIBIT NO. 9]

TESTIMONY OF RICHARD W. VELDE BEFORE THE SUBCOMMITTEE TO INVESTIGATE JUVENILE DELINQUENCY, JUNE 27, 1973

EXTRACTS FROM REPORT OF THE COMMITTEE ON THE JUDICIARY, U.S. SENATE, ON S. 821 (REPORT NO. 98-1011), PP. 34, 88, 90.

On June 27, 1973, LEAA Associate Administrator, Richard W. Velde, reported to the Senate Committee on the Judiciary, Subcommittee to Investigate Juvenile Delinquency that:

"During fiscal 1972, LEAA awarded nearly \$140 million on a wide-ranging juvenile delinquency program. More than \$21 million, or 15 percent, was for prevention; nearly \$16 million, or 12 percent, was for diversion; almost \$41 million or 30 percent went for rehabilitation; \$33 million, or 24 percent, was spent to upgrade resources; \$17 million, or 13 percent, went for drug abuse programs; and \$8 million, or 6 percent, financed the comprehensive juvenile delinquency component of the High Impact Anti-Crime Program."

TABLE 1.—BREAKDOWN OF FISCAL YEAR 1972 JUVENILE DELINQUENCY EXPENDITURES BY LEAA

	Amount	Percent	¹ Percent of \$136,213,334
Prevention:			
Block.....	\$19,934,592	94.8	
Discretionary.....	1,096,442	5.2	
Total.....	21,031,034		15.4
Diversion:			
Block.....	14,143,396	89.2	
Discretionary.....	1,540,096	10.8	
Total.....	15,683,492		11.5
Rehabilitation:			
Block.....	37,779,491	92.0	
Discretionary.....	3,013,773	8.0	
Total.....	40,793,264		29.9
Upgrading resources:			
Block.....	30,725,095	93.3	
Discretionary.....	2,212,286	6.7	
Total.....	32,937,381		24.2
Drugs:			
Block.....	14,431,179	77.4	
Discretionary.....	3,262,002	22.6	
Total.....	17,693,181		13.0
High impact.....	8,075,000		6.0
Total.....			100.0
Block total.....	117,013,735		85.4
Discretionary total.....	11,124,599		8.1
High impact.....	8,075,000		6.0
Total.....	136,213,334		

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION, JUVENILE DELINQUENCY PROJECT SUMMARIES FOR FISCAL YEAR 1972

Final totals LEAA fiscal year 1972 funding

Prevention.....	\$21,031,034
Diversion.....	15,683,492
Rehabilitation.....	40,793,264
Upgrading resources.....	32,937,381
Drugs.....	17,693,181
Juvenile delinquency total.....	128,137,352

In addition to the above monies, approximately 25 percent of action funds available for the High Impact Cities Program (\$32.3 million in fiscal year 1972) will be spent in the area of juvenile delinquency.

NOTE.—The following is an extract from the total report of Fiscal Year 1972 funds. It shows all the prevention and diversion programs. It does not include rehabilitation, upgraded resources and drugs because of the volume of material involved.

PREVENTION	Amount
Community involvement:	
Information, education, public relations-----	\$1,534,184
Police/community/youth relations-----	4,985,474
School and community programs-----	9,842,369
Youth involvement-----	863,729
Volunteers-----	269,671
Special youth services-----	2,772,794
Subtotal-----	20,268,061
Research and development-----	762,874
Prevention total-----	21,031,035

LEAA ESTIMATES MISLEADING

Mr. VELDE. I was speaking on behalf of LEAA.

That represented our estimate of what was available at the time and the amount of money that would be spent during that fiscal year. As you know, that estimate has now been translated into a funding base in the new legislation.

Since the new legislation was enacted, an ad hoc internal task force has been established to review every grant to see whether our initial classification efforts were valid, and whether the assumptions which went into this estimate proved to be correct 2 years after the awards in question were made.

It additionally had to be determined whether the grants were in fact, ever implemented or consummated. Just because a grant award is made does not necessarily mean that the program was actually carried out. In many cases the local government, State agency, will not be able to secure the necessary matching funds; there may be a failure of management or political support; the project might be terminated prematurely; the total amount of funds originally set aside might not be spent; or, more funds may be requested. Also, in many cases it is difficult, before the fact, to accurately classify a multipurpose grant and to allocate to the different functions, percentages of that grant award. If you look at the overall portfolio of LEAA grants as reflected by our augmented data base, you will find that about 40 percent are awarded for more than one purpose. These purposes are not always subject to convenient classification, such as police, courts or corrections.

The purpose of one grant may cut across the board; a training grant at a criminal justice facility may have personnel from different agencies participating; funding might be provided for a criminal justice facility at the county level which could have a youth service bureau, the county jail, judges' chambers, and the sheriff's department all in one facility.

Under those circumstances, there has to be an administrative decision made as to which is going to be charged to which account.

We have gone through that process with respect to these 1972 block funds which were the basis of the formulated juvenile program funding figure and have arrived at an estimate of \$112 million. That figure is what we will administratively consider as a base for application of the formulas, mandated by the new authority.

That \$112 million figure is a final, firm estimate, based upon careful review of how the 1972 funds were actually expended. The OMB estimate contained in this year's budget was based in part upon our very preliminary estimates of what the spending was likely to be in fiscal 1975 for those purposes. The OMB figure included not only block grant funds, which were accounted for in the 1972 estimate, but other categorical funds as well.

Senator BAYH. What really concerns me is to look back on the purpose of those hearings. I am sure you will recall that the subcommittee was being rather critical about the fact that LEAA was not spending a high enough percentage of monies in the juvenile delinquency area. In an attempt to dissuade us from that thing, you represented that LEAA was spending \$140 million, each year, on juvenile delinquency.

Obviously, you were not spending \$140 million!

Mr. VELDE. I think the figure I used, Mr. Chairman, was \$136 million. That was our estimate at the time.

Senator BAYH. I quoted specifically: "Nearly \$140 million." I suppose that a conservative interpretation of that would be \$136 million.

Mr. VELDE. I think that was the actual figure cited. The estimated allocation of the funds totalled \$136 million; that estimate was mentioned by Mr. Staats this morning.

Senator BAYH. What definitions are being used now? Could we have an opportunity to look at those and put those definitions in the record so we will know exactly what we are talking about, now, as far as what benchmarks you use; so we will have some idea about what benchmarks are going to be used in the future?

Mr. VELDE. We will be pleased to provide for your records the assumptions made by the task force which arrived at this determination. If you wish, Mr. Chairman, I could also submit the portfolio of the awards themselves for your perusal, and for the committee's records.

Senator BAYH. That would be helpful to us.

As Mr. Staats pointed out, part of the problem has been—and I suppose still will continue to be—defining exactly what is the juvenile delinquency program.

Mr. VELDE. Yes, sir.

Senator BAYH. To use one example: Does street lighting constitute a juvenile delinquency program?

Mr. VELDE. I think you will find, Mr. Chairman, that the funding determination of \$112 million was a conservative estimate. It was based upon programs, directly related to the conventional understanding of what the term juvenile delinquency means. There was no attempt to bring in street lighting, or promote tangentially related projects.

"PREVENTION" ELEMENT OF THE ACT

Senator BAYH. When looking toward the future in establishing new guidelines as well as definitions for old programs, what emphasis are you going to place on the prevention element of this new act?

It seems to me we have had a lot of discussion about rehabilitation. At least the figures would show that we do not have a very good track record as far as results are concerned. I would hope that LEAA could give a great deal of emphasis to starting early in the lifespan of these youngsters so that perhaps we will not have to worry about rehabilitation; we will be dealing with them at the time, in an environment that prevents them from entering into the system as juvenile delinquents.

Mr. VELDE. Mr. Chairman, this is a response which would require an assessment of a number of decisions which have to be made not only by LEAA, but by States in administering their block grant programs and developing comprehensive plans.

We hope to arrive at an estimate shortly of what State juvenile program allocations will be within 1975 block grants. All but three block grant awards are signed. We have not made the final tabulations yet. We will soon know what the States, in their best judgments say will be spent on the juvenile justice and delinquency prevention programs. It may then be possible to try to break out the major funding categories within the juvenile justice area.

Senator BAYH. The reason I am so concerned about this, and so determined to do whatever I can to try to implement the act is, we have gone for years—and I think it has been the assessment of LEAA and everyone generally that the Safe Streets Act has really inhibited us from investing moneys purely for prevention, particularly with the private sector which now has been brought in and coordinated in this act. What can you and I do, working together, to establish guidelines and create the incentive for States to take a new look now and to emphasize the wisdom of major prevention programs?

Just to digress a moment on evidence presented at hearings we held recently on school vandalism and violence. Once a young man gets to the place that he is going to go into the fifth grade classroom and rape a teacher in the full vision of the students, or once he decides to set fire to the school building, at that stage of the game I do not think there is very much we can do to rehabilitate him. I mean, we can try, but the question is, what can we do earlier on in that human being's life to prevent the circumstances that lead to that violent, illegal outburst?

I am not excusing that kind of response; that person is really a criminal, not a status offender. What can we do to keep those young people that are aged 6 to 10 right now from resorting to that kind of conduct in 5 to 10 years? What are our best chances of success? What can we do to create that kind of an awareness in the local communities and States where these decisions are now being made as to how block grant funds are going to be expended?

Mr. VELDE. Well sir, let me give you an example.

Block grant funds in Colorado in the amount of \$2 million, over a 3-year period, have been invested totally in three projects in the

juvenile justice system. These projects have resulted in an extremely interesting finding.

In one case, 100 percent of juveniles confined to State institutions have what are defined as learning disabilities. In another case the figure is 90 percent, while in the third case, 80 percent.

We are looking at this data now to attempt to validate it and see whether or not the definitions presented are definitions that can hold up legally. There would thus seem to be a close cause-and-effect relationship between learning disability and juvenile delinquent activity. This assessment is based upon the results of research and evaluation.

USE NEW APPROACH—EMPHASIZE PREVENTION

Senator BAYH. This is where we step on the toes of the architects of the old bureaucratic ways of doing things. And that is why I think, under this act, you have a very sober responsibility. It will not be an easy job, and I want to do everything I can to help you. But I do not know how you can say that learning disabilities, which is in the area of HEW education functions, does not ultimately impact on the juvenile delinquency—the crime problem. We just have to convince people to put aside some of those old stereotypes.

Well, you are aware of that I am sure. But let us have the courage to take on some of these new ways of doing things, because the old ways have failed. As I said earlier, what you have in the new act is not a magic potion that we can take and suddenly not have any juvenile delinquency, but I think we can begin to make progress if we are willing to approach it from a new standpoint, a comprehensive standpoint, emphasizing prevention. I will not dwell on this further, but I hope that our staffs can work together so that we can use our joint influence to try to reach those who make the decisions back home as to how this money is going to be spent.

We must have a new day; we cannot continue to treat the effect. We must zero in on how we can prevent the cause.

Mr. VELDE. Mr. Chairman, if I may, I would like to continue with that thought for a minute. It is an essential issue.

I cited one example where there seems to be a causal relationship regarding a matter which is normally not in the province of the juvenile justice system. Let me cite another example which is perhaps more closely related.

The public school system in Alexandria received an almost \$100,000 grant from the State of Virginia to develop and improve school security systems. I recently went through that project and looked at it firsthand.

In 1971 the school system lost about \$150,000 due to vandalism. Over 500 calls were made to the police of incident reports, but only five arrests. Last year after this new system was fully implemented, less than \$40,000 was lost due to vandalism. Only about 100 calls went to the police, yet 60 arrests were made. Incidentally, the arrests were primarily of children from 7 to 11 years old that were committing these acts of vandalism.

This suggests that by improving security systems and by school management administrators paying attention, delinquency can be reduced. Here is one school system that faced the issue squarely and with the help of experts in security and alarm systems and good management, they were able to bring the problem essentially under control.

Senator BAYH. Where did they obtain these funds?

Mr. VELDE. The State of Virginia, through LEAA block grant funds.

Senator BAYH. State security was provided through LEAA block grant funds?

Mr. VELDE. Yes, sir. It is a 3-year project. The Federal money has now been utilized and the program is now fully operational.

Senator BAYH. We have had extensive discussions with Mr. Grealy and Mr. Burton of the school security organization about these problems.

Mr. VELDE. Yes, sir. We have been in touch with them, too.

Senator BAYH. I found Mr. Grealy's approach very enlightened where he recognized the hard reality of security as an important aspect. But he also recognized the fact that the way the young people are handled and the time you began dealing with the problem has an impact on the kind of security problem you will have 5 years from now.

Mr. VELDE. Yes. I cite these two examples perhaps as extremes of the range of possibilities for action. I also come back to the point that the act itself gives us some additional guidance on the scope of programs which should be implemented. In the long run, the emphasis placed by the act on advanced techniques and innovative programs of special emphasis to try out the unconventional, may result in some of these funds being "wasted." But only in this way, with the help of careful evaluation, will we find out what approaches work. The authority that we now have to work with groups outside of governmental agencies also offers some very exciting possibilities. It is important to note that a considerable amount of LEAA funds have been invested in prevention programs despite suggestions that it would be not appropriate for LEAA money to be so spent. The States, using their broad authority and discretion under the block grant concept, have made investments in this area. We are finding that some of these have significant payoffs.

I cite extremes, Mr. Chairman, to emphasize that we now have the authority and flexibility to try some new things. Based on our prior experience, we now have the means to develop some of the answers we have been searching for.

PROGRAM'S INTEGRATION WITH PRIVATE GROUPS

Senator BAYH. Another area gets very much into the area of prevention that we have been discussing. As you know, the act for the first time really brings into the whole LEAA program an integration of private groups that are working with young people in trouble. There has been some criticism brought to the subcommittee's attention that the contact and involvement of these groups have been after

the fact—after the decisions have been made—instead of earlier to see how they might best assist. How do you assess or respond to that kind of criticism?

As you know, the special emphasis grants in the programming of the new act requires that 20 percent of these funds are going to be designated to private groups. In talking to the States in programming the coming years' efforts, have you taken that into consideration?

Mr. VELDE. Yes, sir. There are two aspects to your question. First, with respect to coordination with outside interest groups, the guidelines that I mentioned earlier this morning are currently being discussed with and reviewed by a rather extensive list of outside groups.

The Attorney General and I have met with representatives of these groups in the juvenile area and I look forward to establishing a continuing relationship directly to receive their views. In addition, representatives of these groups serve on the new National Advisory Committee.

I certainly would do all I can to encourage coordination and foster a good working relationship with outside groups. This will be to our mutual advantage. With respect to nonprofit private groups being direct grantees, LEAA has not had authority in the past to make such grants directly, with certain exceptions. We have found, however, that in many cases, either by subcontract or by subgrant, these groups were able to participate significantly in a number of projects. Now there is a clear authority whereby they can receive grants directly.

Perhaps the largest example of participation by private groups in a LEAA-funded program was our \$6 million investment in the State of Massachusetts in the program which resulted in the closing down of the State juvenile institutions and the creation of a network of 13 group homes throughout the State to assume this function. All 13 of these groups are nonprofit corporations.

Although the money was first awarded to State agencies, they in turn entered into contracts or grants arrangements with the nonprofit groups. It is not as if these groups were not participating in our program in the past. Now there will be additional authority to work more directly with them. It is a bit premature to determine whether the 20-percent minimum funding specified by the act will work a hardship. For the most part, it should not.

Senator BAYH. It should not be interpreted as an upper limit either.

Mr. VELDE. No, sir; not at all.

Senator BAYH. What we are trying to do, of course, is to recognize that we have private groups making significant contributions in most communities. It is folly for a government, State, local, or Federal, to set up a competitive agency or a system of delivering the services which the private group has already delivered.

Mr. VELDE. Yes. Already, Mr. Chairman, the response received regarding our status offender discretionary grant program has indicated a strong interest on behalf of private groups. I think there will be significant private participation in the new program.

Senator BAYH. Good. We will look forward to working with you in this extremely important area.

Thank you very much for being with us.

Mr. VELDE. Thank you, sir.

Senator BAYH. Our next witness is Mr. Paul O'Neill, representing Mr. James Lynn, Director of the Office of Management and Budget. If Mr. O'Neill and whomever is accompanying him care to come forward we will resume our hearings.

Mr. O'Neill, I see you have Mr. James Purcell on my right and Mr. David Bray on my left. All right, fine. If you will proceed, we will get on with our hearing.

I appreciate your being here.

STATEMENT OF PAUL H. O'NEILL, DEPUTY DIRECTOR, OFFICE OF MANAGEMENT AND BUDGET; ACCOMPANIED BY DAVID M. BRAY, AND JAMES N. PURCELL, JR.

Mr. O'NEILL. Both Director Lynn and I indicated at our confirmation hearings it is our commitment and our pleasure to appear before duly constituted committees of the Congress to testify when the committees feel that is useful.

In view of the time, and with your permission, I will put my short prepared statement on the record and proceed to answer your questions as well as I can.

Senator BAYH. That will be fine if that is the way you would like to proceed; the statement shall be put in the record.

[Mr. O'Neill's testimony continues on p. 100.]

PREPARED STATEMENT OF PAUL H. O'NEILL

Mr. Chairman and members of the committee, I am pleased to appear before you today to discuss the implementation of the Juvenile Justice and Delinquency Prevention Act of 1974. I have only a brief statement and then I will try to answer any questions you might have.

In signing this Act into law, President Ford stated:

"This bill represents a constructive effort to consolidate policy direction and coordination of all Federal programs to assist States and localities in dealing with the problems of juvenile delinquency. The direction of our Federal programs has been fragmented for too long. This restructuring of present operations and authority will better assist State and local governments to carry out the responsibilities in this field, which should remain with them. Hopefully, the result will be greater security for all citizens and more purpose, sense, and happiness in the lives of young Americans."

While the President did endorse the Act's provisions calling for improved planning, evaluation, and coordination of Federal juvenile delinquency programs, he did express concern over the increased funding authorizations contained in the Act. Based on his concern over increased spending for this and other programs, the President stated that he did not intend to seek appropriations for the new programs authorized in the bill in excess of amounts included in the 1975 budget until the current economic situation improves. In the interim, the estimated \$155 million in spending already available under current programs would continue to provide a demonstration of strong Federal support for juvenile delinquency programs.

Since the Act was signed into law, the Law Enforcement Administration has initiated efforts to implement those aspects of the Act which are consistent with Presidential policy guidance. Those efforts, which are described in detail in Mr. Velde's statement, include:

Creation of an organization unit in LEAA to manage existing juvenile programs;

Creation of a Juvenile Justice and Delinquency Prevention Operations Task Group to plan operations under the Act;

Selection of qualified individuals for several of the new positions created by the Act;

Establishment of the National Advisory Committee for Juvenile Justice and Delinquency Prevention (the President appointed members of this Committee in March and they have just concluded their first meeting in Washington);

Establishment of the Coordinating Council for Juvenile Justice and Delinquency Prevention; and

Development of plans to utilize \$20 million of action and research funds already allocated for juvenile delinquency programs for fiscal year 1975.

We believe the approach presently being taken by the Administration in implementing this new Act is both responsible and reasonable. It establishes a process for assessing the past and prospective Federal roles in juvenile delinquency programs and establishes a firm basis for future action, hopefully in a way that avoids the mistakes of past Federal efforts to cope with this problem.

The inadequacies of past Federal efforts in this area are well documented in the recent (April 25, 1975) GAO report (How Federal Efforts to Coordinate Programs to Mitigate Juvenile Delinquency Proved Inadequate). As this report indicates, past Federal efforts have been characterized by:

Repeated legislative attempts to cope with the juvenile delinquency program, including: the Juvenile Delinquency and Youth Offenses Control Act of 1961; the Juvenile Delinquency Protection and Control Act of 1968; and amendments to the Omnibus Crime and Safe Streets of 1968; and

Repeated efforts to coordinate Federal juvenile delinquency programs, including: the Interdepartmental Committee on Children and Youth (1948); coordination mechanisms established under the Juvenile Delinquency Prevention and Control Act of 1968; the Interdepartmental Council to Coordinate all Federal Juvenile Delinquency Programs (1971); and the Federal Regional Councils (1972).

During this period, Federal involvement in the juvenile delinquency program increased substantially. In 1969, the Federal Government devoted \$14.9 million to juvenile delinquency. By 1974, this figure had risen to \$169.0 million. In 1974, the major agencies involved in the program were the Departments of Justice and Health, Education, and Welfare, although other agencies including OEO, Labor, HUD, and Interior were involved in the program.

As the major funding agency in the program by 1974, LEAA contributed approximately \$140 million annually to the program. The LEAA program, which is primarily distributed to States on a formula basis, covered juvenile delinquency programs primarily related to prevention, diversion, rehabilitation, upgrading resources, drug abuse, and Impact Cities programs.

After this extensive Federal involvement in the juvenile delinquency area, the GAO report concludes that:

The extent of Federal impact on juvenile delinquency is difficult to precisely determine because, for the most part, Federal programs which might have had a positive effect have not been administered with that specific intent;

No effective strategy has been developed and implemented to coordinate Federal efforts;

There is a lack of uniform Federal standards as to what constitutes juvenile delinquency;

There is a possible overstatement of Federal involvement in the program;

Little is known about (1) which Federal programs affect juvenile delinquency and (2) the impact and its extent; and

There is a lack of effective coordinated and comprehensive planning for juvenile delinquency programs at the State and local level.

Obviously, the solutions to these problems are of paramount importance in determining the proper future Federal role in the juvenile delinquency area. These are also questions which the new Act is designed to answer.

We believe the Administration's efforts to carefully establish the planning, evaluation, and coordination mechanisms specified by the Act constitute essential first steps before launching into a massive new funding program. It will take time to assess and evaluate where we are and where we should be going in this important social problem.

For these reasons, in addition to our national economic concerns, the President has chosen not to request new budget increases for juvenile delin-

quency programs in 1975 and 1976. If reoriented to the major thrusts of the new Act, the President believes that amounts available for juvenile delinquency under existing programs are sufficient to establish a firm foundation for planning the future Federal role in juvenile delinquency programs.

Let me assure you, Mr. Chairman, that the Administration will work with the Congress to assure adequate implementation of the Juvenile Justice and Delinquency Prevention Act of 1974.

[EXHIBIT NO. 10]

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET— FUNCTIONS AND ORGANIZATION—JANUARY 1974

I. FUNCTIONS

Basic authority.—The Office of Management and Budget was established by Part I of the Reorganization Plan No. 2 of 1970, effective July 1, 1970 (84 Stat. 2085). The Plan designated the Bureau of the Budget as the Office of Management and Budget. It transferred all functions vested by law to the Office and its Director to the President, who, in turn, delegated them to the Director of the Office of Management and Budget by Executive Order 11541 of July 1, 1970.

The intent of the Plan was to provide the President with an institutional staff capability in the various areas of executive management—particularly in program evaluation and coordination, Government organization, information and management systems, and development of executive talent. The Office has continued to perform the key function of assisting the President in preparation and execution of the Federal budget, and that function will be strengthened by a greater emphasis on fiscal and program analysis.

Specifically, Reorganization Plan No. 2 enabled the Office to provide greater emphasis on assessing the extent to which Government programs are actually achieving their intended results and delivering the intended services to their recipients. As a part of this effort, the Office was directed to seek greater interagency cooperation and coordination, particularly at the operating level. It also provided a continuous review of the organization of the executive branch and its management techniques to assure that they meet the requirements of new programs and are effective in the administration of existing programs. In addition, the Office was charged with the responsibility of working closely with the Civil Service Commission to develop new programs to recruit, train, motivate, deploy, and evaluate the top ranks of the civil service and to establish a means of forecasting the Federal Government's current and future needs for executive talent.

The basic authority for the Office's budget function is derived from the Budget and Accounting Act of 1921, as amended. Reorganization Plan No. 2 of 1970 transferred that function to the President, who, in turn, delegated it to the Director of the Office of Management and Budget. This Act gave the Bureau the authority "to assemble, correlate, revise, reduce, or increase the requests for appropriations of the several departments or establishments." The Act also safeguarded the budget as transmitted by the President to Congress by denying Federal agencies the right to seek funds outside regular budget channels except at legislative request. The Bureau was further authorized to make detailed administrative studies for the President with a view to "securing greater economy and efficiency in the conduct of the public service." The Act required the Bureau "at the request of any committee of either House of Congress having jurisdiction over revenue or appropriations" to render "the committee such aid and information as it may request."

In response to a request by the Chairman of the House Appropriations Committee, the President, in 1921, instructed the Federal agencies to submit to him through the Director "all requests or recommendations for legislation the effect of which would be to create a charge upon the Public Treasury or commit the Government to obligations which would later require appropriations to meet them." The scope of this clearance procedure was later extended to apply to all legislation.

List of functions.—The responsibilities of the Office of Management and Budget may be specifically identified as follows:

1. To assist the President in his effort to develop and maintain effective government by reviewing the organizational structures and management processes of the executive branch to assure that they are capable of producing the intended results.
 2. To assist the President in the preparation of the budget and the formulation of the fiscal program of the Government.
 3. To supervise and control the administration of the budget.
 4. To evaluate the performance of Federal programs and to serve as a catalyst in the effort to improve interagency cooperation and coordination.
 5. To provide leadership in designing programs for the development of career executive talent throughout the Government.
 6. To assist the President by clearing and coordinating departmental advice on proposed legislation and by recommending Presidential action on legislative enactments.
 7. To assist in the consideration and clearance, and where necessary, in the preparation of proposed Executive orders and proclamations.
 8. To plan and promote the improvement, development, and coordination of Federal statistical services and to provide leadership in the development of new information systems to provide the President with performance data.
 9. To keep the President advised of the progress of activities by agencies with respect to work proposed, work actually initiated, and work completed. This, together with the relative timing of work between agencies is necessary to assure that the work programs are coordinated and that the monies appropriated by the Congress are expended in the most economical manner possible with the least possible overlapping and duplication of effort.
- Important statutory authorizations.*—As stated previously, Reorganization Plan No. 2 of 1970 transferred all functions vested by law in the Bureau of the Budget and its Director to the President, who, in turn, delegated them to the Director of the Office of Management and Budget. The most important of these statutory authorizations, in addition to the Budget and Accounting Act of 1921 which was discussed above, are the: (a) Budget and Accounting Procedures Act of 1950, which significantly elaborated on the provisions of the Budget and Accounting Act; (b) Act of August 1, 1956 amended these two acts to further improve governmental budgeting and accounting methods and procedures; (c) Government Corporation Control Act of 1945 extended the Bureau's budgetary functions to wholly owned Government corporations; (d) Section 3679 of the Revised Statutes, as amended, prescribed the procedure for the apportionment of appropriations by the Director and also authorized him to establish budgetary reserves; (e) Section 305 to title 5, United States Code required the Director to issue and administer regulations concerning the systematic review by agencies of their operations on a continuing basis; (f) Federal Reports Act of 1942 vested the Director with coordinating authority with respect to Federal reporting services and required his approval of questionnaires and other information-collecting activities proposed by Federal agencies; and (g) Demonstration Cities and Metropolitan Development Act of 1966 and Intergovernmental Cooperation Act of 1968 vested in the Bureau the authority to establish rules and regulations for the coordination of Federal assistance in metropolitan areas; for the formulation, evaluation, and review of Federal programs and projects having a significant impact on area and community development; and for the provision of specialized and technical services to State and local governments. Additional functions were assigned to the Office of Management and Budget by Section 102 of the District of Columbia Revenue Act of 1970 (P.L. 91-650) which required the Office to examine and review District of Columbia appropriations to determine priorities of expenditures and where reductions could be made; Section 3(c) of the Federal Pay Comparability Act of 1970 (P.L. 91-656), which designated the Director and the Chairman of the Civil Service Commission as the President's agents for Federal employee pay adjustments under that Act; Sections 201, 202, and 203 of the Legislative Reorganization Act of 1970 (81 U.S.C. 1151-1153) which provided for the establishment of a standardized information and data processing system for budgetary and fiscal data; Federal Advisory Committee Act (P.L. 92-463)

which authorized the establishment of a system governing the creation and operation of advisory committees in the executive branch; and the Federal Impoundment and Information Act (P.L. 92-599) which required the Director to submit to the Congress quarterly reports on the amounts of appropriated funds being held in reserve.

Principal Executive orders.—The statutory authorizations of the Office are supplemented by a number of Executive orders. Some of these orders originally delegated authority to the Director of the Bureau of the Budget. These authorizations have been redelegated to the Director of the Office of Management and Budget by Executive Order 11541 of July 1, 1970, discussed above. The principal Executive Orders in this category are: (a) Executive Order No. 9094 of March 10, 1942, which authorized the Bureau to coordinate and improve mapping and surveying activities of the Government; (b) Executive Order No. 9384 of October 4, 1943, which charged the Bureau with the review of plans and projects for public works; (c) Executive Order No. 11030 of June 19, 1962, as amended by Executive Order No. 11354 of July 1, 1967, which provided for Bureau clearance of Executive orders and proclamations; (d) Executive Order No. 10033 of February 8, 1949, which delegated responsibility to the Bureau for coordinating departmental replies to requests for statistical information from Governmental bodies; (e) Executive Order No. 10253 of June 11, 1951, which implemented the Bureau's functions with respect to the collection and use of statistical information by Federal agencies on the basis of the Budget and Accounting Procedures Act; and (f) Executive Order No. 10579 of November 30, 1954, which required the Director to make a final decision on appeal by an agency for any determination made by the Administrator of General Services with respect to the establishment of an interagency motor vehicle pool or system.

In addition, the following Executive orders delegated authority to the Director of the Office of Management and Budget: Executive Order No. 11592 of May 6, 1971 delegated the function of granting certain approvals under the Rivers and Harbors Act of 1970 and the Flood Control Act of 1970; Executive Order No. 11609 of July 22, 1971 delegated authorities involving: (a) regulatory functions with respect to quarters and facilities; (b) transfers of balances of appropriations; (c) land acquisitions, contracts for land acquisitions, and other land transactions; (d) approval of regulations relating to rental of substandard housing for members of the uniformed services; (e) approval of use of funds for printing of periodicals; and (f) allocation of funds for management improvement; and Executive Order No. 11686 of October 1, 1972 delegated certain functions under the Federal Advisory Committee Act (P.L. 92-463).

II. ORGANIZATION

Director's Office.—The Director's Office provides executive direction and coordination for all Office of Management and Budget activities. The Director's Office consists of the Director and Deputy Director and their principal assistants and support personnel.

General Counsel.—The General Counsel provides legal advice to the Director, Deputy Director, and the Office's staff. He is responsible for the discharge of the Office's responsibilities with respect in the executive branch and participates in the development of legislative proposals to be sponsored by the Office or which affect the performance of the Office functions or which affect the performance of the Office functions. In addition, the General Counsel maintains liaison with departmental general counsels and White House staff on legal matters of mutual interest and performs such additional duties as assigned by the Director.

The Assistants to the Director for Public Affairs, Administration, and Congressional Relations provide staff support to the Director and Office staff. The Assistant to the Director for Drug Management provides staff assistance relative to the Federal Government drug abuse prevention programs.

Assistant Director for Budget Review.—The Assistant Director for Budget Review coordinates and participates in the review of Government programs, the preparation of the budget and supplemental estimates, and the system of apportioning the funds made available by the Congress. He prepares fiscal, economic, and financial analyses; recommends and participates in developing

budget, tax, credit, and fiscal policies; schedules for preparation, and edits and compiles documents for the annual budget submission; exercises central responsibility for improvement of the Federal budget system; develops procedures and information to improve the allocation of resources among different programs and major categories of the budget; oversees the system of budget control and review; and monitors budgetary trends. He also develops and applies systems of employment control and serves as a focal point for user charges matters.

Assistant Director for Executive Development and Labor Relations.—The Assistant Director for Executive Development and Labor Relations is responsible for assisting the Director and Deputy Director in providing leadership and direction for the development of more effective Federal personnel management systems.

Working closely with the Civil Service Commission, he assesses existing programs and develops policy alternatives and new programs to recruit, allocate, develop, and evaluate personnel who comprise the top ranks of the career civil service; evaluates and formulates policies concerning union-management relations in the Federal Government; and reviews and develops policy alternatives in the area of employment, compensation, benefits, and status of Federal personnel. In addition, he determines, in cooperation with the Civil Service Commission and the Bureau of Labor Statistics, pay comparability under existing statutes.

Assistant Director for Legislative Reference.—The Assistant Director for Legislative Reference reviews the annual legislative programs of the agencies, as submitted with the budget estimates and agency recommendations for the President's legislative program. He assists the Director and the White House Office in the preparation of the legislative portions of the State of the Union Message, the Budget Message, the Economic Report, and other special legislative proposals under consideration in the executive branch and the Congress. Primarily a staff arm of the Director, the Assistant Director for Legislative Reference exercises the Office's responsibilities for clearing and coordinating agency legislative proposals and reports on pending legislation, except appropriation bills and reorganization plans; develops policy alternatives where necessary; and reviews and coordinates the work performed by other divisions as a part of the clearance process.

Associate Director for Management and Operations.—The Associate Director for Management and Operations is responsible for the improvement of organization throughout the executive branch and for the implementation of government-wide statistical policies. He provides policy guidance in designing government-wide information systems, in the improvement of agency management and in government-wide procurement. He is responsible for the overview and continued assessment of agency program evaluation functions and for maintaining a capability for carrying out major Presidential objectives. He also provides leadership in the area of intergovernmental relations and assistance to State and local governments and other grant recipients by promoting improvements in the delivery of Federal funds and services, encouraging simplification of grant-in-aid mechanisms, providing for increased authority and information for Federal field managers and improving coordination among them, ensuring increased consultation and cooperation with State and local officials, and assuring that State and local interests are brought to bear in Federal decision-making processes impacting on those levels of government. He develops and maintains working relations with key Federal officials in the field and provides the channels for service support and direction to Federal Regional Councils and Federal Executive Boards.

Associate Directors for National Security and International Affairs, Human and Community Affairs, Economics and Government, and Natural Resources, Energy, and Science.—The line functions of the Office are performed by the Associate Directors. In this regard, they are responsible for providing management oversight capability over the agencies and programs of the executive branch. They review agency programs and budget requests, assist in the review and control of the execution of the budget, analyze proposed legislation and Executive orders, and initiate special projects aimed at establishing goals and objectives that would result in long- and short-range improvements in the agencies financial, administrative, and operational management.

OMB'S ROLE IN AGENCY BUDGET REQUESTS

Senator BAYH. I wish you would explain to us, Mr. O'Neill, the role of OMB relative to an agency request for moneys to be incorporated into the President's budget. I understand one could write a Ph. D. thesis on this. But here we are, the Congress, with a piece of legislation and there are officials like Mr. Velde in various agencies and departments that have the operational responsibility; they prepare budgets relative to what their best estimates are and then, sometimes, those are concurred with in the White House. Sometimes they are not.

Where does OMB fit in that chain of command?

Mr. O'NEILL. As a general proposition, we play a facilitator role for the President in pulling together all of those things throughout the executive branch of the Government that require continued funding or new funding or funding at increased levels over previous commitments. As best we can, we elicit from the departments and agencies the reasons why they think that Federal taxpayers' dollars should be spent on a particular purpose; and, in addition to that, to the extent that they and we are able to do so, to provide the President an indication of what would be accomplished with those additional or new dollars.

In your particular area of interest and the area of interest of this committee, for example, trying to understand how many young children would be prevented from becoming delinquents with an expenditure of an additional \$1 million or \$10 million or \$100 million, how many children could be helped out of juvenile delinquent status with expenditures of additional amounts of dollars.

Senator BAYH. Do you employ people at the Office of Management and Budget who have expertise in juvenile delinquency?

Mr. O'NEILL. I would say in the programmatic sense that your question implies—no, not really. But I think we have generalists who are well educated and have the ability to ask the right kinds of questions, so that as the President considers all of the competing demands for the Federal taxpayers' dollars, he has before him the best information that it is possible to give him.

One other thing we try our best to do working with the departments and agencies is to make sure that we understand what is going on, not just in Federal programs and Federal funding, but also where that fits into what is going on in the society. In other words when we look at expenditures in a particular program area—let us say medical schools—we are not simply interested in providing information to the President on what the Federal Government spent in the past but also some indication of what is going in from private sources and what is going in from tuition and what is going in from State and local governments and all of the other sources of funds.

So then when a person looks at a program funding recommendation he looks at it in a material societal context and not in a narrow isolated way.

Senator BAYH. I understand fairly well your general function. It is an exceptionally large burden. What really concerns me—looking at it from this small piece of turf—is the area of juvenile delinquency

and how it relates to other areas. Our subcommittee has been studying this problem, and I have been studying it, personally, for years. Numerous people in the Government have been studying it for years. Senator Hruska, my distinguished colleague who was really instrumental in helping get results on the differences that existed between the House and the Senate amendments is, likewise, well versed. If a matter such as this is studied at some length by specialists in the area, it would seem to me doubly difficult for generalists to make a decision that their judgment was wrong.

Mr. O'NEILL. I agree with you but I am not sure where that takes us, because when we properly perform our function, I do not think that we make decisions that are interposed between the departments and agencies and the President.

If we were to follow the logic that your statement implies, then it would suggest that the President simply send to the Congress all of the recommendations for spending of all of the departments and agencies of Government. But as I can tell you from experience, if people were to do so, the debts we have experienced in the past few years would be two or three times what we have now.

SPECIALISTS' ASSESSMENTS NECESSARY TO DECISIONS

Senator BAYH. I do not suggest that at all. What I do suggest is that perhaps the President should have the assessment of what specialists think are really necessary, absent the interposition of the generalists who take into consideration other factors so that they are not bogged down as far as the clarity and intensity of feeling about these issues. But I will not get into that.

Mr. O'NEILL. May I pursue that a little bit, because I think it might be useful to talk a little more about how the resource allocation process works. Indeed, I do think that the President has an opportunity, certainly this President has insisted on there being an opportunity for program specialists to present their views directly to him if they feel that they are not provided sufficient resources to carry out their responsibilities as they see them.

Now with respect to the Department of Justice, it is my recollection that the Attorney General this year did not ask for a special opportunity to appeal the allocations that were made by the President in the formulation of the 1976 budget. But many Cabinet secretaries and agency heads did seek a special consultation with their chief program people with the President and the President sat down with them and listened to their arguments and looked at their evidence before making the final decisions reflected in the 1976 budget.

Senator BAYH. Could you give me a better understanding of how this kind of thing happens. Let's look at the specific question before us today. My chief counsel, Mr. Rector, has discussed much of this with Mr. Scott, your Assistant Associate Director, and also with Mr. Pommerening of the Justice Department.

In the letter to Senator Pastore¹ we were led to believe that OMB had given approval to the LEAA request to reprogram \$20 million under the Act.

¹ See exhibit no. 7, p. 78.

Is that an accurate assessment of what had happened last fall?
 Mr. O'NEILL. I listened to previous testimony and my recollection of the facts, as Mr. Velde gave them, was that they asked permission to reprogram reversionary funds. I am not sure, but I believe that perhaps the Associate Director gave an indication that there was not a problem with that, but when the budgetary process brought the matter before the President in the form of a request of the Justice Department—as I recall, Mr. Velde requested \$40 million of new program activity in 1976—the President decided that given the strains that already existed in the fiscal situation, that they could not go along with that. A decision followed that since we were not able to provide the funds in 1976, it did not make sense to start something in 1975.

Senator BAYH. So that is the context in which it was first approved. I do not think Mr. Pommerening would say in the closing sentence of his letter that the Office of Management and Budget had given its approval to this request unless that had actually happened, do you?

So you [OMB] approved it. The House and Senate Appropriations Committee approved it. Then you recently disapproved it?

Mr. O'NEILL. What is the date of that letter, sir?

Senator BAYH. December 5.

Mr. O'NEILL. That was before the President looked at the 1976 budget. The 1975 decision that has been made was a reflection of a decision on 1976. When Mr. Velde indicated there was a new request under consideration, it was with the understanding that if a reprogramming was provided in 1975, he would find a way to continue anything he had started without having to ask the President to increase the budget deficit over the \$60 billion line that he had drawn.

MANDATORY SENTENCES FORD'S SOLE RESPONSE?

Senator BAYH. I noticed from the speech, the rather strong speech that President Ford made—it was in Connecticut—an expression of a continued concern about crime and a recognition of the fact that a lot of these crimes were committed by repeat offenders. There was a suggestion made that one of the answers is mandatory sentences.

Is that the only area of the problem of crime that the President is concerned with, or the only area where he thinks we can make improvements?

Mr. O'NEILL. No, sir, I do not think so at all. I think the speech you are referring to was one he gave the other night at the Yale Law School in New Haven. I think you would be hard put to find anyone who is more concerned about the problems of this country than the President of the United States. He is deeply concerned about our crime problems.

Senator BAYH. I hope my question did not infer otherwise.

Mr. O'NEILL. At the same time, I do not think that the President believes we can simply solve all of the Nation's problems by spending the country into bankruptcy.

Senator BAYH. Well, does he think we can solve the problems of crime solely by putting repeat offenders into jail with a mandatory

sentence which, incidentally, I support in many instances. Is that going to stop the problem? I am certain the President is very concerned about the problems. He has an impossible job to do, but I hope and pray he does it. I know he will do it to the best of his ability. What concerns me is that, what—all of us together and there is no need to allocate blame, because I think all of us have to accept some of it—we have been doing, society's response in trying to diminish the crime problem has failed.

Now Congress has recognized—and this was a very strong bipartisan 88-to-1 vote in the Senate and almost that big a response in the House—that we need to give some attention to a significant new approach to the problem of juvenile delinquency. Through this reprogramming effort we are saying, okay, let's take old money and start to clean up the act. Take some of the money that had been pigeonholed for old ways that had not worked and try to apply it in a new way that we hope would have favorable results. And yet, we are told: No! That the White House will not even try new ways with old money.

Mr. O'NEILL. That is not the full context, Senator. That request, as I recollect it, was tied to a recommendation of \$40 million of new and additional spending in fiscal year 1976, and it was reviewed in the totality of that.

If there is anything we have learned beyond a shadow of a doubt it is that once a program is started, it is very, very difficult to, in any way, slow it down. When the President looked at that \$40 million request, he said, in view of the need to keep the Federal deficit even within the bounds that I accept; which means I must ask 35 million old people not to take an 8-percent increase for cost of living but instead settle for 5 percent. I do not think in good conscience I can ask the Federal taxpayer to do more in some of these other areas.

Senator BAYH. I think if we get to citing statistics back and forth and get away from what we are trying to do in the program, we are both going to waste a lot of time. I can ask you whether the President is content to let half of the serious crimes be continued to be committed by young people under the age of 19. And I think the answer is "no, he wants to do something about it."

Mr. O'NEILL. He wants to deal with the problem in a better way than we have. There is no doubt about that. If we could show him that we have the magic potion that you were talking about earlier, he would be willing to take funds out of other areas and reprogram them into this area.

NO MAGIC POTION—BUT AN IMPROVEMENT

Senator BAYH. How do we do that? There is no magic potion, you know. It takes the collective minds of a lot of people all over the country who have worked with young people day in and day out—some of them with absolutely no compensation. Perhaps you are more familiar with the problem on a day-to-day basis, or is the President? We have to take their collective judgments. We have incorporated them in the act.

How do we convince the President that if it is not a magic potion, it is at least better than the old patent medicine which has failed?

Mr. O'NEILL. I think it would be helpful if we could, pursue the examples that Mr. Velde was indicating. If we can demonstrate

that learning disabilities have 100 percent correlation with juvenile delinquency, then once we have identified that problem we need to know how to deal with the source of that problem, learning disabilities. I do not really know. Then I think we would be willing to recommend that the taxpayers spend their money in dealing with that specific problem. But, I am not enchanted with the notion of simply saying juvenile delinquency is a problem; let's spend more money on it.

Senator BAYH. I get the impression that you, downtown, think that Congress has no feeling about spending money and that you [OMB] do. That is not right.

We have several volumes of testimony. I would be glad to give them to you. We do not have them here. I assume that somebody down there looked at the testimony provided by expert witnesses before you advised the President that what these experts said was wrong. Here we have the GAO report—you know, they are not designed to sustain the right or wrong of our position but to come to an objective conclusion. To suggest that we do not already have a wealth of knowledge relating to learning disabilities to juvenile delinquency is to suggest that somebody has been out of touch with things.

Mr. O'NEILL. I am not saying you do not have the evidence. I am saying the next step is to identify the real problem; and once you identify the symptom; say learning disabilities, identify what is it you would have the President do in a specific program way to solve that problem to the extent that it can be shown that learning disability is synonymous with juvenile delinquency. I must say I have not seen a compelling case made that we, together, can yet identify those things in our society that give us the frightening statistics that you cited and that Mr. Staats has written down in his reports for us.

I have not seen that. I do not think that if we could clearly identify those interventions that could be made with the Federal taxpayers' dollars, that there would be any hesitancy to go ahead and do it.

I would like to expand a little bit on your earlier questions to Mr. Velde about how much money the Federal Government is spending on juvenile delinquency. Now I understand that we should be specific about what we are talking about when we say juvenile delinquency. But I for one would be hard put to argue that some of the hundreds of millions of dollars that are being spent in the social service program in HEW are not a juvenile delinquency program. Indeed, I think they are. They are trying to help families through counselling devices, through special education, and a lot of other techniques to deal with the problems of juvenile delinquency.

LACK OF COORDINATION AND ORGANIZATION

Senator BAYH. Did you hear Mr. Staats or are you familiar with his assessment that one of the major shortcomings in the past is that there has been a total lack of coordination and organization, so that the right hand did not know what the left hand was doing?

Mr. O'NEILL. Yes, I have looked at his report.

Senator BAYH. Then you are familiar with his concern that the new act will provide this coordination and there is a desperate need for money for planning. You apparently do not agree with that.

[No response.]

Senator BAYH. What concerns me is we have to come to the assessment that what we have been doing in the past has failed. We have been spending hundreds of millions of dollars to fight crime and all the time we have been spending this money crime has been on the increase. Without going chapter and verse, we have been spending it for a lot of things; and apparently, we have not been spending it the right way.

Now here Congress suggests that it be spent in a new way. Perhaps instead of saying to the President, "Mr. President, we suggest that you not be in favor of these reprogramming funds because they might lead to new expenditures next year, or will lead to continuing a program that started this year, that perhaps you [OMB] could say, "Mr. President, we darned well ought to have that new approach. And instead of providing new money, we can take old money out of LEAA funds which are really not doing the job, and put them into a new program."

Is that unreasonable?

Mr. O'NEILL. No. What we are saying is that we need to find a way to continue those things that would be started in 1975 reprogramming. That is a measure that is currently before the President.

Senator BAYH. Well, I would hope that that matter will be resolved as expeditiously as possible. Perhaps reclaiming old moneys that are unwisely spent is as important, and maybe more important, than getting new moneys.

Mr. O'NEILL. I agree with that.

Senator BAYH. But in this area, as in some others areas, to suggest that cutting out increased appropriations in the budget is going to, per se, reduce the cost to society is not realistic.

We recently listened to testimony about a domestic Vietnam occurring in the hallways and classrooms of America. It cost society \$590 million last year. As Mr. Velde pointed out, what happened in Virginia—it increased expenditures \$100,000—thus, we should say "no," no more \$100,000. But that program decreased costs more than \$50,000 the first year. Thus, in 2 years' time you reclaim the cost of that initial investment.

JUVENILE CRIMES COST \$16 BILLION

I am sure you have studied the GAO report. It said that juvenile crimes are costing us \$16 billion a year; and that those costs are going to go on whether we get new money or save money by not spending \$75 million to implement this program.

Mr. O'NEILL. I think your point is certainly well taken but having been in BOB and OMB over a time, I must at the same time say to you that it is my judgment that we have gotten to the point that we cannot afford, as a society, all of those things that we have promised ourselves one way or another unless we are

willing to increase the taxes that we levy on our citizens by perhaps 100 percent.

Senator BAYH. Can we afford to continue to let youth crime cost us \$16 billion a year?

Mr. O'NEILL. No, I do not think we can, but I am not sure that the Federal Government, as an institution, can solve our problem.

Senator BAYH. One of the good things about this act is that it does not pretend that the Federal Government is going to solve the problem. It is going to give resources to local communities and bring the private agencies into the picture in a way which has not been done before. We would get these resources back to the local community and let them do the job. We are not going to sit here in Washington and solve the problem.

Mr. O'NEILL. I think as the President indicated in his statement, he is very much in agreement with the thrust of the legislation that you took the leadership in enacting. At the same time I think he does feel very strongly that while the Federal Government can provide some thrust, some movement, some motivation, that it would not be wise or possible to assume all of the responsibility on behalf of the Federal taxpayer to deal with all of these problems that face State and local government and private groups.

Senator BAYH. Well, if you consider the amount of money that it would take to implement this act and add to that the very strong evidence that not all of this need be new money, and you relate that to the cost on society—and the deep fear and concern that exists in society—because of their inability to meet the problem adequately in the past, I do not know how you could find a better investment of taxpayers' money myself.

Mr. O'NEILL. Well, Senator, there are all kinds of competing demands, as you know, and unfortunately they are all connected to the bottom line. I am sure you know, yesterday, the House decided that your children, my children, and everyone else's children in the country ought to have a subsidy for their school lunch. Now if that legislation comes to the President; if he were to sign it, it means less funds available for other purposes. There are many things we are either being told we must spend money on or we are continuing to spend money on that push down the ability to fund acts like this particular act. For 25 years Presidents have been recommending that we stop the impact aid program, the program that subsidizes my children in Fairfax County. It is a crazy program. And we have got a list of things where we are using the Federal taxpayers' dollars and it is prohibiting us from funding the kinds of things you are talking about in this act, where the Federal Government perhaps does have a legitimate role in trying to play a coalescing function and motivating function, but there must, indeed, be a limit some place. And the President said when they got to this \$60 billion worth of deficit that that is all we can accommodate.

PRIORITY FOR JUVENILE DELINQUENCY

Senator BAYH. Where do you put crime, juvenile delinquency, and safety of schoolrooms on your priority list?

Mr. O'NEILL. I think they must be high priorities for the country, as is education for your children and mine and everyone else's.

health care for all of the citizens, food needs, clothing needs, shelter needs, national defense. It is in an endless list of things that are necessary—

Senator BAYH. It is not a high enough priority that you would recommend spending \$40 million to implement this new program.

Mr. O'NEILL. I do not think we start from zero. My memory is that the President has recommended \$770 million for LEAA this year. Within that total, as I recall, the Congress has required that \$140 million for juvenile delinquency activities come out of that amount. And in addition to that the Justice Department has available to it—and Congress agreed to that recommendation—\$100 million that they can allocate for discretionary program purposes.

Senator BAYH. Are you going to recommend that since juvenile crime constitutes more than one-half of the serious crime, that half the LEAA money go in the direction of juvenile delinquency?

Mr. O'NEILL. Frankly, I think that is a judgment which ought to be made by the Attorney General.

Senator BAYH. But the Attorney General, or at least the past recommendations made by the Justice Department, have been shot out of the water by the Office of Management and Budget.

Mr. O'NEILL. I do not think the Justice Department has until very recently recommended that there be a shift in the use of funds. I have forgotten exactly what the number is. I think it was over \$900 million were appropriated for LEAA last year, and the Attorney General and the LEAA and the other people competing for funds appropriated by the Congress chose to allocate those funds in a particular way.

Senator BAYH. Are you aware that my amendment to the extension of the LEAA act in 1973 would have mandated, by now, that at least 30 percent of the LEAA funds be invested in the area of crime and delinquency? The White House opposed that approach.

Mr. O'NEILL. Yes, I think for a fairly good reason a judgment that we are not close enough to the problem here in Washington to be able to tell every grant of recipient LEAA funds that no matter what else is going on in their community, they must provide a number of dollars to this program area.

RESPONSIBILITY TO REASSESS PRIORITIES

Senator BAYH. I cannot understand that reasoning. You are telling me that we should not have new money because we cannot afford it to meet the problems of escalating crime. That it would be bad for us because of all of the economic factors that you cited. You said a moment ago that the reassessment and readjustment of funds within LEAA made sense, and yet you are unwilling to support it.

Unless we are willing to say that the hundreds of millions of dollars that we spend to fight crime have done the job, then someone has the responsibility, at the national level, of reassessing our priorities and saying we are going to have to give more attention to prevention of youth problems. How can we just blindly say we are going to let mistakes be made?

I find it difficult to understand that.

Mr. O'NEILL. Senator, I think unless we are willing at this level to take complete control of the system, it is doubtful that we can direct from Washington what the outcome is going to be in the total effort that is going to be made by the society.

I think there is a substantial amount of evidence—I do not know the LEAA program detail enough, but in other areas I am familiar with, I think there is a substantial amount of evidence that we at the Federal level have started out on our well intentioned objective of helping an institution or a group of individuals. But we have caused State government or local government or private groups to take their funds out of areas when the Federal Government enters the area.

So the net effect from the societal viewpoint would be no increase in effort, just a shift in who pays for the activities that are going on in that particular area, and I offer as an example that I know quite well; the medical schools over the country, we just about own them now. Several years ago we started out with a very good and positive motivation—to help the medical schools. A couple of weeks ago the dean of the Harvard Medical School told me that 90 percent of his budget depends on the Federal budget. Twenty years ago 10 percent of the budget depended on the Federal Government; the rest came from private sources, tuition and State and local sources.

Senator BAYH. Is the dean of the Harvard Medical School suggesting that we cut out that 90 percent of the budget?

Mr. O'NEILL. No. What I am suggesting is that they have become terribly dependent on the Federal Government. What I am suggesting to you is that if we take the entire amount being spent in the country on criminal prevention-detection and prisons and say that we want to add \$1 billion to it, I think we would be hard put to do that. Because, to the extent that we intervene a billion dollars, other taxpayers and other sources of funds would withdraw their funds and go out and do something else.

Senator BAYH. Where does this billion dollar figure come from?

Mr. O'NEILL. I am making it up. My recollection is that right now we, as a nation, are spending something like \$10 billion on all of those things that are related to our criminal justice prevention and detection systems.

TEN BILLION DOLLARS FOR "MAGNIFICENT FAILURE"

Senator BAYH. Let us assume that that figure is accurate. I do not know that it is, but it is a good round figure. Let us assume that it is accurate. That is a devil of a lot of money to be spending in a way to perpetuate failure, is it not?

It would seem to me that when one concludes that this Nation is spending at least \$10 billion and crime goes up 17 percent in a year, we would be looking for a new focus. Congress did provide the new approach. And you are telling me we cannot afford the money to implement it. It is just that simple. If you read the act you will learn that dictating all the answers to local communities is prohibited. For the first time we have actually, officially, brought in private nongovernment agencies and said, "Here, we do not want to set up a youth service bureau in Terra Haute, Indiana to com-

pete with the good people at the local YWCA." We have really gone a long way to try to coordinate and stop duplication, and let local communities run with the ball; but to give them some leadership and advice as to what we have found to fail—namely, the old way of doing things—and what could be better.

I do not see how anybody, any generalist, can look at the statistics and not say, "Wait a minute, there is something wrong. We are spending \$10 billion for a magnificent failure."

Can we not start something new?

Mr. O'NEILL. I think the answer is yes, if we can find a way to do it without going to the well again and taking from the taxpayers, or running a bigger deficit so that they all suffer the price of more inflation.

Senator BAYH. You ought to talk to the superintendent of schools in Los Angeles or the superintendent of schools of Philadelphia or Chicago or New York. You ought to talk to the directors and presidents of the school security offices of this country. Tell them about how much money it is going to cost the taxpayers, and it is costing them now, and about those who are on the scene who know of prevention programs where an almost 90-percent truancy rate has been nearly eliminated. Some of those programs should be funded through the new act. But this is going to take some money and frankly, I do not care whether it is new or old money. I would prefer to take some of it from these programs which have not been working—which are symbolic of the national failure.

We have an act that is ready to pull this all together but we cannot do it unless we can get some help from the OMB and the White House. I must say that it does not speak well of whoever has provided the background for budgets assessment to say that we do not have enough evidence to relate learning problems and disabilities with delinquency.

We do, Mr. O'Neill, we have an abundance of evidence as to this relationship.

Mr. O'NEILL. What causes learning disabilities?

Senator BAYH. Yes, there is little question. We have a pile of evidence that [indicating] high.

Mr. O'NEILL. What kind of program interventions can we make to deal with learning disabilities?

Senator BAYH. What is that?

Mr. O'NEILL. Beyond identifying the learning disabilities as highly correlated phenomenon in juvenile delinquency, has there been a compilation of proven techniques for overcoming learning disabilities in the first instance?

Senator BAYH. Yes, sir, there are a number of programs which have worked very well.

Mr. O'NEILL. I would be very happy to see that, and I would personally look at every bit of it if you would send it to me.

I would like to go back, if I may, to just one point. I have indeed talked with some superintendents of schools and all kinds of other program officials, and their constant refrain is "send us more money" for all of the things they are doing to help pay teachers' salaries in their schools, to help them pay for all of the things that

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Senator BAYH. Let us assume that that figure is accurate. I do not know that it is, but it is a good round figure. Let us assume that it is accurate. That is a devil of a lot of money to be spending in a way to perpetuate failure, is it not?

It would seem to me that when one concludes that this Nation is spending at least \$10 billion and crime goes up 17 percent in a year, we would be looking for a new focus. Congress did provide the new approach. And you are telling me we cannot afford the money to implement it. It is just that simple. If you read the act you will learn that dictating all the answers to local communities is prohibited. For the first time we have actually, officially, brought in private nongovernment agencies and said, "Here, we do not want to set up a youth service bureau in Terra Haute, Indiana to com-

pete with the good people at the local YWCA." We have really gone a long way to try to coordinate and stop duplication, and let local communities run with the ball; but to give them some leadership and advice as to what we have found to fail—namely, the old way of doing things—and what could be better.

I do not see how anybody, any generalist, can look at the statistics and not say, "Wait a minute, there is something wrong. We are spending \$10 billion for a magnificent failure."

Can we not start something new?

Mr. O'NEILL. I think the answer is yes, if we can find a way to do it without going to the well again and taking from the taxpayers, or running a bigger deficit so that they all suffer the price of more inflation.

Senator BAYH. You ought to talk to the superintendent of schools in Los Angeles or the superintendent of schools of Philadelphia or Chicago or New York. You ought to talk to the directors and presidents of the school security offices of this country. Tell them about how much money it is going to cost the taxpayers, and it is costing them now, and about those who are on the scene who know of prevention programs where an almost 90-percent truancy rate has been nearly eliminated. Some of those programs should be funded through the new act. But this is going to take some money and frankly, I do not care whether it is new or old money. I would prefer to take some of it from those programs which have not been working—which are symbolic of the national failure.

We have an act that is ready to pull this all together but we cannot do it unless we can get some help from the OMB and the White House. I must say that it does not speak well of whoever has provided the background for budgets assessment to say that we do not have enough evidence to relate learning problems and disabilities with delinquency.

We do, Mr. O'Neill, we have an abundance of evidence as to this relationship.

Mr. O'NEILL. What causes learning disabilities?

Senator BAYH. Yes, there is little question. We have a pile of evidence that [indicating] high.

Mr. O'NEILL. What kind of program interventions can we make to deal with learning disabilities?

Senator BAYH. What is that?

Mr. O'NEILL. Beyond identifying the learning disabilities as highly correlated phenomenon in juvenile delinquency, has there been a compilation of proven techniques for overcoming learning disabilities in the first instance?

Senator BAYH. Yes, sir, there are a number of programs which have worked very well.

Mr. O'NEILL. I would be very happy to see that, and I would personally look at every bit of it if you would send it to me.

I would like to go back, if I may, to just one point. I have indeed talked with some superintendents of schools and all kinds of other program officials, and their constant refrain is "send us more money" for all of the things they are doing to help pay teachers' salaries in their schools, to help them pay for all of the things that

they must do in the process of educating the Nation's youth. It is not an unfamiliar refrain. And my response to them is: Why is it that Federal taxpayers should pay for it instead of your local tax? And those who are candid will say "because we would rather have the Federal taxpayer, whom we do not have to answer to in the electoral process, fund this than to ask our own local citizens to put up the money."

As you know very well, Senator, better than I do, there is only one source of money for the Federal Government, and that is to take it away from the taxpayers.

Senator BAYH. That is a new and novel philosophy. I mean, you know, we all realize that. I must say—having gone through a rather tough re-election, of which I am sure you are aware—I do not adhere to the philosophy of those who want to spend Federal funds that are beyond the reach of the taxpayers.

CONCERN FOR PEOPLE

It is a question of priorities. I must say that I do not know of any priority where we have more concern for people—and a combination of their normal love and concern for children, and their safety in homes and their fears—than this area. I do not pretend to be a lifelong expert. I do think the record will show, however, that I have studied it as much in the last few years as any other Member of Congress. I recommend to you, not solely my judgment, but the combined assessment of the members and the leaders of some 50 different organizations that deal with youth problems—and have for generations—their assessment of how learning disabilities accrue; of the problems of the home; of the response to status offenders and where that leads. The provisions of this act are designed to bring a new approach; to start at a time when we have a chance for prevention and success. It is all well and good for the President to talk only about putting repeat offenders away mandatorily. Does it not make a lot more sense to deal with those human beings when they are 6 to 10 years old instead of waiting for them to commit two or three serious crimes and then lock them up? We developed an act to deal with the problems they have, so they can be producing and paying taxes rather than using taxpayers' dollars.

That is what we are asking the White House to support!

Did the Office of Management and Budget, last summer, recommend that the President veto S. 821?

Mr. O'NEILL. I do not remember, Senator. I could look at it in my book and give you a direct answer to that, but I guess I would like to have an opportunity to think about whether or not I, as an official of OMB, should be saying in a public hearing what my recommendation would be to the President.

Senator BAYH. Well, you do not have any hesitancy to tell me about all of these wasteful programs.

I noticed in a Washington Post article—dated the 18th of March—that an OMB staff memo recommended a \$40 million line item in the President's fiscal year 1976 budget for this program? Is that accurate?

Mr. O'NEILL. Yes, sir. I think that story was an accurate story. Senator BAYH. What happened to this recommendation? What has happened between March 18 and right now?

Mr. O'NEILL. March 18 of 1974?

Senator BAYH. Of 1975. You see this act was not passed until September.

Mr. O'NEILL. I guess we are thinking about two different stories. The one that you are calling to my mind is one that said during that budget process last year that there was an OMB memorandum recommending \$40 million.

Senator BAYH. The story here, if I might just capsule it: "LEAA use of funds called wasteful." It starts out, and this is an internal Office of Management and Budget memorandum, saying that "LEAA has spread its money too thin, supports irrelevant projects, and has too often subsidized the purchase of interesting but unnecessary equipment." And then it goes on to say, "Despite the OMB staff's assertion that LEAA has serious problems, the memo recommended that the administration request the \$776 million recommended by the Justice Department plus \$40 million for juvenile delinquency program under the Juvenile Justice and Delinquency Prevention Act of 1974."

Mr. O'NEILL. I think that that story is an accurate reflection of a recommendation made by the OMB staff.

Senator BAYH. It further states "that the memo discussed but rejected funding a new program by absorbing it into the \$770 million being requested." In other words, doing the kind of thing that we are talking about, taking money from programs that have failed. Is that accurate?

[EXHIBIT NO. 11]

[From the Washington Post, Mar. 18, 1975]

LEAA USE OF FUNDS CALLED WASTEFUL

(By Lawrence Meyer)

The Law Enforcement Assistance Administration has spread its money too thin, has supported irrelevant projects and too often has subsidized the purchase of "interesting but unnecessary equipment," according to an internal Office of Management and Budget memorandum.

The staff memo to the director of OMB, the President's budget review agency, reflects growing disenchantment with the way LEAA has spent \$4.2 billion in federal funds since it was created in 1968 to disperse federal funds to local law enforcement agencies.

Congressional criticism of the program has been growing in the face of an alarming increase in the crime rate, but the OMB memo—coupled with the administration's 1976 budget request to Congress—suggests a profound disenchantment with LEAA in the executive branch as well.

The OMB memo, a copy of which was obtained by The Washington Post, noted that LEAA funds have made it possible for all 50 states to establish criminal justice planning agencies as well as other programs "that may have contributed to an improvement in the capabilities of state and local law enforcement agencies."

"On the other hand," the memo continued, "LEAA funds have been used for projects which have little or no relationship to improving criminal justice programming, funds are so widely dispersed that their potential impact is reduced, the absence of program evaluation severely limits the agency's ability to identify useful projects and provide for their transfer, and too frequently LEAA funds have been used to subsidize the procurement of interesting but unnecessary equipment."

The proposed budget appropriation for LEAA in fiscal 1976 submitted by President Ford to Congress calls for about \$770 million, a reduction of \$110 million over the amount requested for the current fiscal year. The proposed reduction represents the first time that less funds have been sought for LEAA than in the preceding year.

During testimony before the House Appropriations subcommittee that reviews the Justice Department's budget, Attorney General Edward H. Levi said last week that the budget request for LEAA "recognizes that the dynamic activity of LEAA's formative years has not permitted a thorough policy assessment of major directions and which programs are most effective . . . We hope that this year of decreased budget authority will afford a pause during which increased emphasis can be placed on policy assessment."

LEAA Administrator Richard W. Velde declined through a spokesman to comment on the OMB memo. At a press conference earlier yesterday, called to review LEAA's progress, Velde acknowledged that "there has been waste in our program."

Despite the OMB staff's assertion that LEAA has serious problems the memo recommended that the administration request the \$770 million recommended by the Justice Department plus \$40 million for juvenile delinquency programs under the Juvenile Justice and Delinquency Prevention Act of 1974. The memo discussed, but rejected funding the new program by absorbing it into the \$770 million being requested.

The final White House budget request, however, neither sought the additional \$40 million to fund the new program nor proposed to absorb its funding into the \$770 million being asked for LEAA.

At the time President Ford signed the Juvenile Justice and Delinquency Prevention Act, last Sept. 8, he announced he would seek no new funds for that program beyond the \$155 million available in fiscal 1975. Velde, referring to the program yesterday, said, "We are doing what we can within the limit of our resources."

Mr. O'NEILL. I think that story is accurate in reflecting the staff recommendations in OMB, yes, sir.

Senator BAYH. What happened after that? Why is your assessment here today different?

OMB FUNDING RECOMMENDATION REJECTED BY PRESIDENT

Mr. O'NEILL. I am not telling you that it is different at all. I am agreeing that those facts as stated in that article are basically correct, that the OMB staff which work in the area of Justice and Treasury and the general Government programs made that kind of a recommendation, and that it went through a decision process and went to the President and the President made a decision.

Senator BAYH. So the President of the United States overruled his experts in the Office of Management and Budget who have specific knowledge about the problems of crime.

Mr. O'NEILL. The President, following his responsibilities, was making a decision as to how under the total funds available, they ought to be allocated.

Senator BAYH. OMB recommended that we spend \$40 million to implement the juvenile justice program and the President did not accept this advice?

OMB LEADERSHIP OPPOSED EFFORT TO CURB JUVENILE CRIME

Mr. O'NEILL. At that point I cannot leave the characterization the way it is. I was careful to say and add that that was a staff recommendation. My recollection is when we sat down and discussed

it with the President, with all of the other competing demands while the staff recommendation and certainly the Justice Department's recommendation was for more funds, the recommendation of the leadership of OMB was: Given the other competing demands that he not approve the \$40 million.

Senator BAYH. I thought you said, just a moment ago, that the President, exercising his responsibility to make a tough decision, made this choice.

Mr. O'NEILL. That is exactly right. Indeed, he did make that choice. But I am clarifying for you an important point and that is that the leadership officials in OMB did not necessarily join in staff recommendations which came to them.

Senator BAYH. Was the leadership at OMB satisfied with the way LEAA was spending their money?

Mr. O'NEILL. On the basis of the staff input that we have, I would say that the leadership had some concern about what was being done with LEAA funds.

Senator BAYH. Did they recommend to the President that there be a reassessment of the allocation of LEAA funds; that this money, this \$40 million, be found by taking it from programs that, according to the staff memo, were interesting but not effective?

Mr. O'NEILL. As I recall, there was an option which was left open to the Attorney General and the Deputy Attorney General once the decision had been made.

Senator BAYH. Did the Domestic Council have any input in the decisionmaking process?

Mr. O'NEILL. Yes. In the process of reviewing the budgets the Domestic Council individual or individuals who are generally assigned program areas participate in the discussion process and the paper review process.

Senator BAYH. Is there an official OMB response, or does the President have any response to the GAO study, which concluded that if we are serious about attacking the problem of crime and juvenile delinquency, we had better immediately implement this Juvenile Justice Act?

Mr. O'NEILL. As I have indicated to you, I have looked at the report and I, frankly, have hoped in looking at the report that I would find some of the answers to questions that you and I have discussed this morning. I was sad that I did not find them or an indication that someone has finally found some way that we can more adequately solve the problems of juvenile delinquency. I must say that I do not find them there and I think that there are recommendations in terms of better coordination and the establishment of a coordinating mechanism and other activities that are provided in the act—

WHAT WILL IT TAKE?

Senator BAYH. What is it going to take? I want to do all I know how to be in a meaningful position with those of you who I think are as concerned as I am about crime and juvenile delinquency. You may not agree as to the importance of the act or how to approach it, and that may be a product of me being intentionally involved in this and you being involved in a number of different areas as well.

What can I do? What will it take to persuade you—the administration—that we need \$40 million or \$50 million to implement this act; that we need reprogramed money? What will it take?

You do not see it in the GAO report. I have been unable to persuade you here. There are 88 members of the Senate for it, with only one opposed. What will it take?

Mr. O'NEILL. Well, I think if, as the Attorney General has done, there is a recommendation for priority reallocation of funds that are available to the Department of Justice, that would be a fairly compelling argument.

I think in order to make sure that we carry out our responsibilities for the President, that that does not reduce or eliminate our responsibility to ask difficult questions. For example, if part of the proposal is to provide more funds so that plans can be put in place in all of the relevant jurisdictions, I think we would be derelict in our duty if we did not pursue the question as to what it is a planner is going to do that is not now done and how the existence of that plan is going to help deal with the problems.

I must say to you that I have been involved in domestic programs over the years and I have frankly been dismayed at the way some of the business has been done. The other night there was an article on the front page of the Star on Jerry Brown, who is Governor of California, and he called a group of reporters in. I do not know if you saw the story. I recommend it to your attention if you did not. He called a group of reporters in to help him figure out what the words in an LEAA grant meant. And there was to me a biting humor in that because it was not funny.

And if that is what we are doing, then I do not think we are living under the trust that we have. I think we have a responsibility as we work with the President to see that we raise the right questions as to what it is we would like to accomplish as we spend more money or even the same money that we now are.

NEED SPECIFICS NOT GENERALITIES

Senator BAYH. All right, Mr. O'Neill. But please, can we not get specific as to what it takes? You are talking in generalities.

Sir, you have immense responsibility. I do not know how long you have been in government but I am sure it has been awhile. But I think it is totally unreasonable for you to suggest that you are going to find any two-plus-two-equal-four solutions that are going to guarantee that we are going to reverse generations of misdirection or generations of increased complexities of social problems. There are no two-plus-two-equal-four solutions. But what is it going to take to convince you that this act has within it the programming that is going to make significant progress?

Now every time I ask that question, you say you have a responsibility to the President. You analyzed this. To whom do you go to analyze it? Do you take the judgment of these experts who say it ought to be done or the judgment of generalists who do not have expertise? What do I need to do to persuade you, so that we can be moving together instead of combating?

Mr. O'NEILL. I do not think you have to do a single thing to convince me that operation under this act would be preferable over where we are now. The Justice Department is really the best witness as to compounding the evidence to suggest how we can accomplish more with the same or increased funding, not just for LEAA but for any of the programs and activities of the Department.

And I must say I agree with you that there is no two-plus-two-equals-four in the domestic social programs.

Senator BAYH. Who are you going to listen to? Who are you to say that you do not need anything to convince you that this is better than where we are now? Yet, you have been unwilling to take the initiative down there at OMB and the White House. You have been unwilling—and I do not direct this to you, maybe you are the guilty person and maybe you are not—to support the resources necessary to implement the program.

Now who do we need? Who will you listen to? Who are the people who are dragging their feet on this act? What will it take?

Mr. O'NEILL. Let's separate two different things.

As I understood your original question, you were talking about reprogramming. That matter is under consideration right now. I would think a decision on that would be forthcoming fairly soon. With regard to whether or not there should be an additional \$40 million in 1976, I think the request has to enter the competition against all of the \$17 billion worth of things we have been asked to bite the bullet on, including the cap on Federal spending, the cap on social security, et cetera.

Senator BAYH. \$722 million to Vietnam—do not go too far on that one.

Mr. O'NEILL. I would be happy to pursue that side.

REJECTION OF STAFF SPECIALISTS' OPINIONS

Senator BAYH. I do not think that is going to really deal with the situation here. But, at the same time, we are biting the bullet.

Now, in the President's making of this decision, Mr. O'Neill, was he made aware of the difference of opinion that existed between the top experts over the top level generalists—the OMB managers and the OMB staff specialists in the area of LEAA crime and juvenile delinquency? Was he made aware of that split in opinions?

Mr. O'NEILL. Yes, sir; he was.

Senator BAYH. At this stage of the game, my major responsibility is to do what is necessary to get the resources, either old or new, to implement this act, because I think it will do the job. I think, in the final analysis, it is going to save us a lot of tax dollars, as well as a lot of human suffering. I am convinced. You have stressed that the earlier decisions to reject support was based on the claim that we had not made a good enough case. Who can make a case to your satisfaction—and the satisfaction of OMB and the President—that this kind of program will help deal with the problem of crime? Who do we need to bring these concerns to your attention?

Mr. O'NEILL. On the question of new funds, Senator, it is not simply a matter of saying that \$40 million or more would help. Maybe we can explore a little bit why not \$400 million more?

Senator BAYH. The Congress has authorized \$125 million.
Mr. O'NEILL. So, you are saying we ought to really have \$125 million.

Senator BAYH. That is what I would like to see.

Mr. O'NEILL. Once you change the authorization, why not make it \$1 billion or \$2 billion, or \$10 billion?

Senator BAYH. Yes, then you come up and testify and tell us it was irresponsible.

Mr. O'NEILL. Then a reasonably legitimate request. How does one decide, \$14 million, or \$15 million, or \$400 million, or \$1 billion?

Senator BAYH. The same way you do it for anything else, Mr. O'Neill.

Mr. O'NEILL. Senator, that is not quite so. Let me give you an example of why that is not quite so. We know how many people are going to be eligible for social security this year and how many dollars they are going to have to be paid under the entitlement. We know that same kind of thing for a lot of other activities in the Federal Government, and we have fairly good predictive capability for how many billions of dollars are going to have to be spent to service the national debt. We know with some predictability how many veterans are going to apply for and receive, care from veterans hospitals; those are all things that are predictable.

Senator BAYH. Do you think any of those programs are related in complexity and difficulty, as far as finding cause and effect? Is there any relationship? What we are talking about—everybody knows is not as simple as a formula for social security recipients.

Mr. O'NEILL. There is a marked difference between the program you are talking about here and many of these eligibility programs the Congress has enacted. In many areas of the Government the Congress has decided that however many people show up, who meet the entitlement criteria, they shall be paid and there is no question about that. This is a different kind of an area. It provided \$16 million worth of authorization. We have got tens of hundreds of those kinds of authorizations.

QUESTION STILL NOT ANSWERED

Senator BAYH. I am searching in vain for some way to be able to make a record. Why can't you generalists rely on the report of the specialists and their recommendations that this act be implemented? So far you have not answered that question as to what this is going to take. You have consistently played off on other things. I think you have to take them into consideration. But that answer does not help me reach a positive conclusion to my inquiry.

Mr. O'NEILL. Let me try and take it within the reprogramming question. That is one kind of a question. What is really being said there is that the Attorney General feels that with the dollars made available to the Department by the Congress, that there ought to be some shift in priorities. That has to weigh very heavily. I am sure the President will weight that recommendation very heavily as he considers the issues, but to say that \$40 million additional new money over those that are provided in the budget, which is already up to \$355 billion, that has to be traded off against the

minuses that the President recommended. Whether we like it or not, that \$40 million is competing with another percent or half a percent increase for social security recipients and all of those other things the President recommended curtailing. In addition to that, we have not even talked about the kinds of things Congress has under consideration for new spending.

I did mention before what happened in the House. Its Budget Committee recommended \$8 billion of added deficit on top of the President's recommendation. House Public Works thinks we should be spending \$5 million more on public works. There is a list as long as my arm of things that the Congress apparently thinks we should be funding.

Senator BAYH. \$75 million is the first year's implementation cost. What we are talking about is three-fifths—\$40 million—to implement the act. Has anyone down at OMB studied these comparative figures?

Mr. O'NEILL. Yes, I think he looked carefully at the resource allocations between the National Defense and the National Security and international programs and all of those things in human resources and community development and transportation and all the other things. He has recommended this year that the dollars made available for National Defense—it was \$92.8 billion, which on a cost per dollar basis is the equivalent of the amount that was provided by the Congress for the same purpose in 1951 and the lowest amount in constant dollar terms for National Defense purposes since 1951, but at the same time, the amount he feels very strongly is necessary for the National Security of the country. I think there is one important aspect of the National Security budget that does not receive sufficient attention. There is not anybody else, there is not any State government or local government or private institution that is going to provide for our National Security. If we do not do it here, it is not going to be done, and the President is mindful of the need for him to take the political lead that goes with recommending what he believes is the proper amount of funding for the National Defense, and he has made his recommendation.

NEED FOR INTERNAL DEFENSE

Senator BAYH. We know it is certainly right that the National Government is the only Government that can fund National Defense. I, for one, feel we need it to effectively oppose aggression from outside our borders.

It seems to me we ought to have an effective internal defense to deal with those who are preying on us within the country. Frankly, I am persuaded that this act is important. It is important from a standpoint of saving human lives and the compassion aspect of it. I do not need any scare tactics, but when I look at the figures in our schools and learn that more youths were killed in the war zones of our classrooms in the 3 years that we have studied school violence than were killed in Vietnam in the first 3 years, I think this is a matter of internal defense that we ought to give a little more attention to.

Let me ask you this. Now you have stated that the top level experts at OMB are opposed to new funding, and the President is opposed to new funding. Are you opposed to the implementation of the act? In other words, are those of you at the White House who have been adamant in opposing new funding for this new approach to the problems that deal with delinquency and crime, equally adamant in seeing that old moneys, that are misspent, are spent in implementing this new program, or have you just been content to say no?

Mr. O'NEILL. No, sir; I do not think we are at all opposed to those aspects of the act that go toward the purpose that you spoke of earlier, the coordinating functions, trying to plan and make sense out of what we are doing and what is being done at the State and local level. We are not opposed to that at all.

Senator BAYH. What are you opposed to?

Mr. O'NEILL. We are opposed to adding more dollars to the Federal deficit in fiscal year 1976. We do not think we can sustain adding on another \$40 million here, and another \$100 million some place else, and \$10 billion some place else.

Senator BAYH. You said that very eloquently and very adamantly. But, are you in favor of taking money from some other place and implementing it? We are talking about priorities. It is a weighing off. You have had a chance to study the staff internal memo here, which is rather critical of LEAA; at the same time you are adamant about new money. Are you equally adamant in opposition to taking some of the old money that is misspent and implementing a new program designed to deal with this problem in a different way?

NEW ACT IS BETTER

Mr. O'NEILL. We think that the new act is better than the old act. We have already discussed several points. There is a pending request with regard to reprogramming, and the decision is going to be made soon.

Senator BAYH. When, do you know?

Mr. O'NEILL. I would hope within a week, but I am reluctant to say for sure it will be done within a week because events of the last few days.

Senator BAYH. Suppose the House and Senate Appropriations Committee—Congress in its appropriations process—appropriates \$50 million new dollars. Would you recommend the President veto the act?

Mr. O'NEILL. I do not know. It would depend on what else was in that particular appropriation. As you know, it is a very large appropriation bill. Let us just say for the purpose of argument that that was the only addition over what the President had recommended in his budget. Under the new procedures, what we think are great procedures in the new Budget and Control and Impoundment Act of 1974, the President would not have to go to the point of a veto for that kind of an overrun in his appropriations request because he has available to him two other mechanisms. One, an opportunity to recommend that the Congress ask the amount that he does not feel he can add to the Federal deficit should be deferred

for a later use, or he has an option of recommending to the Congress that they reconsider by proposing to them that they rescind particular amounts that are included in appropriations bill, so that there are, thank goodness, a new set of devices that we can all work with in dealing with the questions of fiscal policy.

Senator BAYH. Let us look at the line item authority the President now has. Would you recommend that the President rescind or concur with the congressional appropriation to spend \$50 million to implement this act?

Mr. O'NEILL. Frankly, it would depend on the circumstances at the time that that issue came before—

Senator BAYH. Suppose that it was right now?

Mr. O'NEILL. It is not a good time because neither the Senate nor the House has yet got itself in order to vote a budget resolution for the fiscal year 1976. If the House and the Senate voted themselves a budget resolution providing a \$60 billion limit on the deficit, as the President has recommended, and within the judgment of the Congress that \$50 million ought to displace funding elsewhere in the budget, I would think we would abide by that congressional judgment.

If, on the other hand, the House or the Senate were to draw a budget resolution at \$70 billion or \$80 billion or \$100 billion, it would be impossible for me to say right now if you were to send the President \$50 million for this purpose that my recommendation would be that he take it or that he not take it. Maybe you are suggesting a different set of circumstances. I wonder, how would it relate to the work that has been done by the Budget Committee? Have the Budget Committees included an increase for this purpose in their resolution? I think the answer to that question is no. You and your colleagues, in trying to make your own judgment as to how to cut and fix this fiscal pie, I do not believe that you have recommended there be an increase for this purpose. I think I am right.

Senator BAYH. The House budget, as I recall, specifies \$50 million in this area.

Mr. O'NEILL. Does the Senate budget recommend it?

Senator BAYH. We have not detailed it yet.

Mr. O'NEILL. I think you will find that if you look at the Senate committee report that they have not provided and earmarked \$50 million or any other amount for this purpose, and there still is a \$67.2 billion deficit.

Senator BAYH. Maybe by the time they are through it will be a \$67.250 billion deficit.

Would you recommend that the President, given that situation, defer or rescind? It is a matter of priorities. Fifty or \$75 or \$100 million, what return that gets on the investment! It is easy enough to sit down there and red line and say no, no, no.

Mr. O'NEILL. Senator, it is not easy; it is not easy to say no. It would be very much nicer if we could satisfy everybody and tell every constituent group that they can have exactly what they want. There is nothing I would like better to do than to be able to say yes to every heartwarming, heartrending need that this country has.

But somebody has got to take the responsibility for trying to put together some sensibility in what we have.

Senator BAYH. Rather obviously, I guess where our disagreement exists right now, is that you are not convinced that this—whether it is \$50 or \$125 million—investment is as important as in other areas; and that the return on the investment is not as great in fighting juvenile crime as you might feel it is in other areas.

Mr. O'NEILL. I do not think that is a judgment that I should make. If it is a judgment for the President to make—that is where he is there for, to make those very, very difficult resource allocation judgments between competing needs. If you are asking for my personal opinion, then I would have to say to you, before I put the \$50 million in, I would want to go back and look at those programs that we have proposed not be funded in fiscal year 1976; for example, the increase for social security. Now, perhaps you are saying that this is more important than the increase for social security.

Senator BAYH. I am surely not saying you have to have one or the other.

Mr. O'NEILL. Senator, that is what the resource allocation problem is all about.

PRESIDENTIAL DECISION—AND HIS ADVISERS

Senator BAYH. That is why I bring in the \$722 million from Vietnam. If you are going to put those three on a totem pole, then let's put the first two ahead of the last. But I am sure that you would not want to leave that impression, because you were quick to say that this decision of the President, falling only on the President, it is not his alone; there are those of you who advise him about such matters.

Mr. O'NEILL. Yes, sir, that is absolutely right.

Senator BAYH. Mr. O'Neill, I know you are very busy and I appreciate your taking the time to be here. Since there has been considerable concern, understandably, about whether this act really meets the need, perhaps the best way to deal with this is to send you a copy of the record that is going to follow, because I am sure you are not going to have time to sit here and listen to it.

We are going to have the chairman of the National Council on Crime and Delinquency give us his opinion; we are going to have the chairman of the AFL-CIO, Department of Community Services, deal with how these services are applied as far as the Community Services Act aspect of concern; we are going to have the National Association of Counties look at this from a county official's standpoint; we are going to have the National Federation of Settlements and Neighborhood Centers and the National Collaboration for Youth, executive director; we are going to have the best representatives of the YMCA's and girls' clubs; we are going to have the National League of Cities to look at this from a city government standpoint; we are going to have the Task Force on Juvenile Justice for the National Council of Jewish Women—an organization which has spent a lot of time out there working voluntarily with those who have a feel for how they can help their problems; we are going to have the National Council of Juvenile Court Judges

an organization which long ago recognized the need for some of the provisions in this act—if those who wanted to have justice could do it in a way that not only provides justice but ultimately leads to a decrease in crime; we are going to also have testimony from the National Conference of State Criminal Justice Planning Administrators represented here.

These people who are giving their lives to this kind of work, who are experts and could tell us whether this program will really do the job. You have made your assessment and your recommendations to the President, but I hope you will have a chance to listen and study what these people say. It is just not true that we do not have ample evidence to support the results that can reasonably be expected to come from the implementation. And particularly, in looking at the reprogramming requests, I would hope you would give attention to how these people who really live with it more than I do—I sit up here and work with a lot of youth groups who are concerned about young people, as I am sure you are—but these people live with it day in and day out. I would hope you would give some professional attention to the expertise that is going to be present here. It has a remarkable ring to it of similarity, I think, with the assessment of your own OMB experts in this area.

Thank you very much.

Mr. O'NEILL. Thank you. We will, indeed, look very carefully at the record.

Senator BAYH. I know how busy you are, and I appreciate your presence here.

We will now have the panel I mentioned a moment ago come forward, we will proceed with the hearing.

It appears we have the complete panel now: Mr. Plumley, Mr. Andrus, Ms. Dumas, Mr. Smart, Mr. Maloney, Ms. Rothman; Mr. Healey, and Mr. Wertz.

Let me say, as busy as you all are, as important a constituency as you represent, I want to express appreciation on behalf of the entire subcommittee for your taking the time to be with us. I apologize for the delay which has kept you here beyond the point where we thought it would be necessary to finish, let alone to start.

Just in case some of you may wonder whether it is really worth it or not—the rather significant sacrifices you made by your presence and your patience—I cannot overemphasize the important role that your organizations and your constituencies, as well as the constituency of some others I see that are represented and are sitting behind, have played in the drafting and passing this legislation. I have to be equally hopeful that your contribution will have a direct relationship to the possibility of implementing this legislative vehicle that you played such an important role in helping to draft and to pass.

To my knowledge, this act is the first effort that has been made to really recognize the comprehensive nature of the crime and delinquency problem that brings us here. Those who say give me proof, give me a concrete example guaranteed to produce a number of results out here, have contributed to the dismal failures of the past. We had examples of success and we also had good, commonsense answers to what has succeeded and what has failed. This act is

designed to recognize the indispensable role that private, nongovernmental agencies and people must play. We do not have a governmental solution in Washington. I think we have an opportunity to provide resources; but, in the final analysis, we are going to succeed or we are going to fail by the ability of your organizations and your members and others to do the job at home. That is why your role in the drafting and passing of this legislation has been so vital, and that is why your role is equally important in its implementation.

**PANEL REPRESENTING NATIONAL ORGANIZATIONS CONCERNED
WITH JUVENILE DELINQUENCY**

Senator BAYH. Mr. Plumley, will you commence?

**STATEMENT OF H. LADD PLUMLEY, CHAIRMAN OF THE BOARD,
NATIONAL COUNCIL ON CRIME AND DELINQUENCY**

Mr. PLUMLEY. Thank you, Mr. Chairman.

My formal statement on behalf of the National Council on Crime and Delinquency is on file with the subcommittee, and I respectfully ask that it be made a part of the record.¹

Senator BAYH. We will put all the statements in the record; you can read them, capsule them, add to them as you see fit, and then perhaps, after you have each handled this as you see fit, we can develop a dialog here.

Mr. PLUMLEY. I have a few summations from that testimony. I believe I will be brief.

The National Council on Crime and Delinquency welcomes the opportunity to testify concerning the implementation of this act of 1974.

During the development of this legislation, the National Council and other groups communicated with some 46 million people whose expectations were raised by this promise of reform. We commend the subcommittee for holding an oversight hearing on this important act. It is precisely because of its potential importance that we urge the subcommittee and Congress to continue their stewardship of the act's implementation, for we believe that the crisis has prompted the Congress to enact strong legislation in 1974 has, if anything, grown more grave. More crime is committed by youths under 18 than by those over 25. One out of every six boys will be referred to a juvenile court by the time he is 18.

JUVENILE COURT COSTS \$1 BILLION

And although the number of youths held in public institutions dropped slightly between 1970 and 1973, juvenile court caseloads have increased. The National Council projects that 1 million youngsters will go before juvenile court judges this year. The monetary cost for this caseload has reached \$1 billion; the human cost can only be inferred from the 74 to 85 percent recidivism rate for juveniles.

¹ See p. 124.

And in that connection, Mr. Chairman, some statistics indicate that there is a relationship between the return rate and the length of the first confinement. In other words, the return rate goes up when these first confinements are lengthy. When we think what a return rate means if it is only in the cost of new construction and the economics alone—it is estimated to cost \$50,000 in capital funds to construct one new cell. The latest figures out of the State of New York for the maintenance of a person in prison, not counting the depreciation of the capital structure, is now \$11,000 a year.

Senator BAYH. That is just the maintenance, not counting the depreciation on the \$50,000.

Mr. PLUMLEY. That is very true.

In nearly all juvenile court jurisdictions, 93 percent of all detained youngsters are still kept with adult offenders.

Senator BAYH. 93 percent!

Mr. PLUMLEY. And while incarceration of status offenders has been reduced somewhat, still 70 percent of institutionalized girls and 23 percent of the boys are status offenders.

In the State of Illinois, only 9 out of the 103 correctional homes have separate facilities for youths. In Indiana, in 1972, 45 youths died in institutions as a result of abuse by other prisoners.

There is plenty of data available—some of it is included in the formal statement we have made—but we think a verbal review at this time is necessary because this knowledge helps this Congress and this subcommittee in helping formulate the act of 1974. The implementation of the act, it appears to us, has begun unsteadily. The set of structures created by the act are, today, only partially realized. The pace seems unduly and regrettably slow.

I would like to identify five of these structures, if I might.

One of these is the Office of Juvenile Justice and Delinquency Prevention. It has received no funding; it is understaffed and has not been given a permanent administrator. Operating under these circumstances, it is understandable, if unacceptable, that the office has so far failed to produce the comprehensive plan for Federal juvenile programs that was due to be presented on March 1, 1975, to both the President and the Congress. The program for status offenders, however, was released to the public in the last few weeks.

The second structure is the Advisory Committee. It came into being on April 15, 1975, some 3 months late, and is handicapped by funding that fails to pay even for staff. It met for the first time last week.

The Coordinating Council, the third structure, met for the first time on April 22, on 4 days' notice. This was another in a striking, rapid-fire series of events signaling some compliance with the act.

Yesterday, the LEAA guidelines for the implementation of the act geared to State publication and use. We were happy to note that the direction of the guidelines is clearly that of the intention of Congress.

A fifth, and in some ways the most promising structure, is the National Institute for Juvenile Justice and Delinquency Prevention. The National Council, like Congress, is watching for signs that the two key functions, research and training, do not meet the same measure as the National Assessment of Juvenile Corrections, a hasty

decision that seriously jeopardizes in its final and most productive year the value of the 4-year, \$2 million-plus effort.

PRESIDENT IGNORES CONGRESSIONAL INTENT

Funding of the act has been precarious, even though the overwhelming enactment votes signified that Congress intended full funding. The President warned that he would seek no funds for its implementation.

Further, LEAA—after competing with other government bodies for responsibility of juvenile justice—suddenly appears to have grown reluctant to aggressively pursue funding. If, as some fear, the act has become a jousting ground for White House and congressional conflict, it would indeed be most regrettable.

State response to legislation is mixed, apparently reflecting what States perceive as national indifference. While the act requires that States exercise initiative even on matters unaffected by funding, many States have done nothing, saying they await full funding. The National Council's analysis of State plans drawn up after the legislation became law confirms the mixed response of States.

The analysis classified a State as progressive, moderate or regressive on the basis of three juvenile justice system characteristics—namely, legislation, programs, spending decisions. The results are hopeful, they show that reform is underway, if far from achieved. States have more easily undertaken programs on spending reforms than reform legislation. Nevertheless, more than a fourth of all States are regressive on any one of three characteristics, and our formal statement identifies the States under these various categories.

As long as States doubt the wholehearted commitment at the national level for thoroughgoing reform, reform within and among the States will be hesitant and inconsistent.

In conclusion, Mr. Chairman, we wish to reaffirm our commitment. This is the reason we are here. The National Council, on behalf of the 46 million individuals whose interest in the act we personally note, commends this subcommittee for holding this hearing and urges that the subcommittee and the Congress insure full implementation by continued supervision and by using their influence to help achieve the much needed funding.

PREPARED STATEMENT OF H. LADD PLUMLEY

Mr. Chairman, the National Council on Crime and Delinquency welcomes the opportunity to testify concerning the implementation of the Juvenile Justice and Delinquency Prevention Act of 1974—Public Law 93-415.

The NCCD has had a long-standing interest in the field of delinquency and delinquency prevention. Our interests date from the foundation of the NCCD in 1907. Since that time we have worked to increase the quantity and quality of the services for our children and our communities.

Beginning in the late 1960's, we have been calling for alternative action to the part of the Federal Government in dealing with the issues of delinquency prevention and juvenile justice.

In August 1974, Congress, with the leadership of this subcommittee, responded to the national crisis of juvenile justice by enacting the Juvenile Justice and Delinquency Prevention Act of 1974. The overwhelming passage of this legislation signaled congressional consensus that the issue of juvenile justice be accorded a high priority among the Nation's problems. Enactment

also marked the end of several years when administrative responsibility for diverse juvenile justice program components was variously shared, or transferred from one department to another, or otherwise lost in a bureaucratic morass.

The juvenile justice crisis that confronted Congress in the early 1970's was indeed grave. Increasing numbers of youngsters were entering the juvenile justice system. The Nation was to learn that juvenile crime is not the exception, but the rule: More than half the crimes were committed by juveniles. The number of juvenile arrests for serious crimes jumped by 1,600 percent in the period 1952-1972. The growth rate of juvenile arrests easily outdistanced that of adults; in the period 1960-1973, the adult rate grew by 16.8 percent, but for juveniles it rose by 144.1 percent. In 1970, courts made more than half a million commitments to various types of correctional facilities; five out of six of these commitments were to detention centers. More than three-fourths of these commitments were for status offenses. Conditions in facilities receiving juveniles were deplorable: of some 700 surveyed by LEAA, more than 100 were filled beyond their capacity. In many States, juveniles were held in adult jails. In Minnesota, for example, adult jails held more youths than adults in 1970-1972. And in only 9 out of Illinois' 142 jails was it possible to separate adults and youths. Inability to house the two groups separately has resulted in plainly gruesome statistics like those coming from one State—45 youngsters died in Indiana jails in a single year, 1972, as the result of abuse by other prisoners.

The situation that prompted Congress to enact strong legislation in 1974 has deteriorated. More crime is committed by youths under 15 than by those over 25. One out of every six boys will be referred to juvenile court by the time he is 18. Although the number of youths held in public institutions dropped slightly between 1970 and 1973, juvenile court caseloads have bulged. NCCD projects that 1 million youngsters will go before juvenile court judges this year. The monetary cost for this caseload has reached \$1 billion; the human cost can only be inferred from the 74- to 85-percent recidivism rate for juveniles. At least a tenth of the caseload will be detained in jails and lockups, a sharp increase from 1970. In 93 percent of juvenile court jurisdictions, detained youngsters are still kept with adult offenders. Seventy percent of this Nation's jails accept juvenile offenders; in these jails, educational facilities are rare. Finally, lack of information, of administrative guidelines, and of coordination only worsen the situation. A 1974 study of youth placement in detention facilities discovered wide disparities in placement procedures between communities otherwise nearly identical. The institutionalization of status offenders has been reduced somewhat, but still 70 percent of the institutionalized girls and 23 percent of the boys are status offenders.

The comprehensive juvenile justice legislation enacted by the 93d Congress expressed congressional determination to deal vigorously with the crisis. The new law created a set of structures invested with broad powers and mandated to implement the will of Congress. Together the new structures were to overcome the earlier deficiencies in leadership, resources, and coordination. To accomplish this, the legislation mandated the assessment of federally supported juvenile delinquency programs; the creation of programs to train youth project staff; the establishment of a central repository for juvenile justice administration; provision of technical aid to organizations and persons involved with juvenile delinquency programs; and formation of a central office to research juvenile justice problems.

The first specific structure created by the legislation was the Office of Juvenile Justice and Delinquency Prevention. Only partially established so far, the office has received no funding, is understaffed, and has not been given a permanent administrator. Operating under these circumstances, it is understandable, if unacceptable, that the office has failed to produce the comprehensive plan for Federal juvenile delinquency programs that was due to be presented on March 1, 1975, to both the President and Congress.

An Advisory Committee was established in the act to assure lay input at the highest level and at the same time to serve the Office Administrator by providing recommendations concerning management of all Federal juvenile delinquency programs. Although the law mandated its establishment by December 5, 1974, the Advisory Committee came into being on April 15, 1975, some 3 months behind schedule. Its effectiveness is additionally strained by

a minimal funding level of \$35,000. This funding level does not provide for the staff as called for by Congress. The cumulative effect of such lapses threatens to kill the law through benign neglect. Reportedly, LEAA expects to staff the Advisory Committee with volunteers from among the Coordinating Committee staff—no mean feat, in view of the fact that the latter has no staff of its own.

Congress established another structure, the Coordinating Council, to integrate all current and future delinquency programs. The Council met for the first time on April 22, 1975. Evidently convened in haste [on 4 days' notice], some of the members had to be represented by subordinates. Nevertheless, LEAA has been aware of the need for coordination. LEAA Administrator Richard Velde stated earlier that his agency "continues to meet with the Department of Health, Education, and Welfare to insure an orderly transfer of its juvenile program activities and to explore ways by which the substantial resources of HEW, as well as other federal agencies, can best be applied to youth development." [Congressional Record, March 20, 1975, S. 4616.] Despite the intention to coordinate activities, however, recent requests by HEW for proposals that jurisdictionally belong to LEAA indicate that the problem of agency overlapping persists.

One of the most promising structures provided by the Juvenile Justice Act was the National Institute for Juvenile Justice and Delinquency Prevention. Its functions as described in the legislation include responsibility for the development of juvenile justice standards; training; information; and research, development, and evaluation. It is discouraging to learn that the National Assessment of Juvenile Corrections, LEAA's major research effort to establish baseline data, has recently had its budget cut in half. This reduction will seriously compromise the 4-year effort in its last and most productive year. We hope this wasteful reduction is not an indication of LEAA's future intentions in the area of research and development. One of the greatest disappointments is the failure of LEAA to adequately address the much heralded training programs for professionals, paraprofessionals, and volunteers working with delinquent youth. Congress made it plain that it viewed this function as especially important: Its appearance in H.R. 45 as well as in the 1974 Act attests to this. Yet LEAA is today spending a smaller percentage on training than in either of the 2 previous years, in apparent disregard of congressional will.

Funding of the 1974 Act has been precarious and distressing. The President, while applauding the intent and need for the legislation, warned when he signed the act that he would seek no funds for its implementation. At the same time, there could be no misunderstanding that the Congress intended full funding. This was emphasized by the overwhelming support of the Congress. Some observers feel that this legislation has become a jousting ground for White House-congressional conflict: If so, this would be regrettable. It is a puzzle as to why LEAA, after competing with other Government bodies for responsibility for juvenile justice, should suddenly be reluctant to aggressively pursue funding. HEW, in contrast, has successfully requested \$5 million funding under the same act [Title III, the Runaway Youth Act]. More recently, the Congress once again assumed the initiative when, on April 15, 1975, the House voted \$15 million for implementation of the Act.

The structural changes created by the act are equally important as the funding. Yet the set of structures have, to date, been only minimally implemented. In each case, the administration appears unwilling to proceed, acting late or reactively instead of providing the vigorous leadership that genuine implementation requires. The result has been confusing rather than progress.

In one area, that directed toward the deinstitutionalization of status offenders, LEAA has displayed leadership and initiative. We commend LEAA for this effort.

Unhappily, the value of this effort is confused by a conflicting message coming from LEAA. The failure to deal with the issue of training, despite recognition of its significance, has been noted. The gutting of the National Assessment of Juvenile Corrections contributes to this confusion. The NCCD and many other criminal justice organizations are perplexed.

Understandably, State planning officials are also perplexed. The 1974 Act requires that the States, like the national office, develop initiatives in juvenile justice reform. Yet even on matters unrelated to funding, many States are utterly inactive, reflecting what they perceive as national indifference. The

act required States to create State Advisory Committees, on the pattern of the National Advisory Committee. Many States, however, have done nothing. They have told us that they do not intend to do anything until the act is fully funded. They have discouraged efforts of citizens to become involved in the implementation of the act. In Arizona, the State Planning Agency refused to comply with the new legislation until a coalition of citizen groups pressured the Governor into mandating compliance. In Colorado, the Juvenile Coordinator responded to our inquiry with the following:

"The Juvenile Justice and Delinquency Prevention Act of 1974 [S.B. 821, P.L. 93-415] has not been funded, and Colorado will not move in this area until the Congress appropriates, and the President approves such funding."

The relation between the States and national leadership is additionally confused by the claim by some States that LEAA has told them that they do not have to modify their plans or procedures until the act is fully funded. Other States claim that they have been told by LEAA that they must make procedural changes in order to have their plans approved this year.

In an effort to assess the impact of the passage of the act, NCCD has examined State program plans, funding patterns, and legislative initiatives drawn up after passage of the 1974 Act, to determine the extent to which States are responding to the intent of the act.

Looking first at State response as expressed in legislation, 60 percent of the States are classified as regressive—no juvenile justice reform legislation proposed; 24 percent as moderate (the State plan cited reform legislation needed or proposed), and 16 percent as progressive (the State passed reform legislation).

State response as expressed in programs differs. Equal proportions—26 percent each—of States were classified as progressive, an increase in community-based programs; and as regressive—continuing to detain youths in jails pending case disposition, youths detained with adults in adult facility, status offenders incarcerated, no effort to expand community programs. Thirty-four percent of the States were grouped as moderate—emphasis on expansion of traditional community programs.

State response as expressed in spending decisions reveals another pattern. While a large group—26 percent—of States are regressive, a decrease in spending of juvenile delinquency programs; 20 percent are moderate, an increase of up to 9 percent in spending for juvenile delinquency programs; and 40 percent are progressive, a spending increase of more than nine percent for juvenile delinquency programs.

It is too early to understand the full effect of the legislation on juvenile justice reform in individual States. However, the proportion of States classified as moderate or progressive on any of the criteria is substantial and hopeful.

One of the problem areas maintained by the Juvenile Justice Act is that of status offenses. LEAA is moving swiftly, if single-mindedly, on this critical problem, as witnessed by its recent farsighted status offender request proposal. NCCD shares LEAA's concern, and further advocates that status offenses be removed from the jurisdiction of juvenile court. The problem is severe and remedial action is overdue. However, the challenge is great.

A small number of States are attempting to remove status offenses from their juvenile criminal codes. Bills that would do this have been introduced in four States—Michigan, Connecticut, Florida, and Massachusetts. In four other States, such legislation is being prepared—Delaware, California, Iowa, and Maryland. In Indiana and Ohio, the policy has support and may be introduced to the legislatures. In the remaining States, there is no observable movement. We hope that LEAA initiatives will inspire further action.

As encouraging as this is, however, the fact remains that even in States that enact progressive legislation, anachronistic laws may be knowingly left on the books or even freshly enacted. This is likely to continue so long as States doubt the wholehearted commitment at the national level to thoroughgoing reform.

In conclusion, NCCD applauds Congress for having enacted the juvenile justice legislation and for holding this oversight hearing, and urges this subcommittee and the Congress to reaffirm the commitment to full implementation of the law. The effort is faltering for lack of leadership, coordination, planning and standards. We look to Congress to once more take the initiative and provide the leadership in this most vital area.

APPENDIX

The Juvenile Justice and Delinquency Prevention Act, Public Law 93-415, has been enacted to insure a comprehensive, coordinated approach to the problems of juvenile delinquency. More specifically, this law authorizes the Federal Government to provide direction, coordination, resources and leadership to States and local communities to combat the high incidence of delinquency.

The National Council on Crime and Delinquency perceives the Juvenile Justice Act as a major initiative to bring about fundamental reform in the policies and programs directed toward the delinquency problem that is; (1) the low rate of success with institutionalization of young people; (2) the inadequacies of the present probation staff and the lack of diagnostic and clinical facilities in 80 percent of the Nation's juvenile courts; (3) the fact that over 50 percent of the children in institutions have received no community care prior to commitment; (4) the widespread inclusion of status offenders within the juvenile justice system. In brief, the three basic components are: (1) a strong Federal leadership role; (2) a mandated authority to address the entire spectrum of juvenile delinquency from primary prevention to after care, with an emphasis on prevention; and (3) a built-in funding mechanism to insure that States conduct research, training, planning and evaluations.

Since the passage of the law, NCCD has monitored the States' efforts to determine what impact, if any, has this Federal initiative exerted on the local level. In collecting the data, emphasis has been placed on the following issues:

1. New approaches, techniques, and methods with respect to preventing delinquency.
2. The expansion of community-based alternatives to the traditional forms of institutionalization.
3. Policies and programs aimed at diverting juveniles from the traditional juvenile justice and correctional system, particularly the status offender.
4. Expenditures reflecting an increased priority for juvenile programs.

Based on this research, the data discussed in this section have been roughly divided into three subject areas: legislation, program plans, and funding patterns. Within these sections, the States are further classified as regressive, moderate and progressive, depending on their efforts, or lack of, in these areas.

The criteria for determining whether a State is judged to be regressive, moderate or progressive is as follows:

- a. *Regressive*—They have demonstrated the need for comprehensive overhauling of their juvenile justice system. Generally, inadequate community treatment programs, lack of funds, and no legislative reform prevail throughout the States.
- b. *Moderate*—Encompasses those States in need of moderate attention. In such instances, there may exist adequate funding and proposed legislation but reflect a shortage of community treatment programs.
- c. *Progressive*—States falling within the progressive grouping are leading the reform movement. They have made considerable efforts to improve the juvenile justice system by emphasizing the use of community alternative preparing or enacting legislative reforms, and appropriating adequate LEM funds for juvenile programs.

LEGISLATION (TABLE I)

It is the purpose of the Act "to develop and encourage the implementation of national standards for the administration of juvenile justice, including recommended action for legislative action at the Federal, State, and local level." One method of preventing delinquency and diverting juveniles from the traditional justice system is the removal of status offenses from the Juvenile Code. Table I reflects the number of States that have proposed enacted legislation since the passage of the juvenile law.

Regressive States: 20 percent have regressive legislation, and 44 percent have no pending legislation at all. These States are classified as regressive. No juvenile justice system reform legislation has been proposed.

Moderate States: 26 percent of the States are classified as moderate. According to the legislators and State plans, legislative reform has been proposed, or at least the need for change has been cited.

Progressive States: The progressive States which have passed legislation are: Massachusetts, New Hampshire, Pennsylvania, and Florida; they represent only 8 percent of the Nation.

TABLE I—LEGISLATION

Regressive	Moderate	Progressive
Arkansas—H.B. 554: Legislation set up JHS; leaves status offenses in area of JHS and delinquency. Reactionary.	Connecticut—Legislation submitted to remove status offenses. Also, a bill considered reactionary.	Florida—1971-73: Passed legislation concerning service to troubled youth. 1971: Created State Division of Youth Services. Bill introduced to remove status offenses.
Idaho—legislation enacted in 1971 to expand community-based facilities; funds never allocated.	Delaware—legislation proposed to remove status offenses.	Massachusetts—passed legislation that closed down its training school for boys. Proposed legislation to remove code.
Indiana—S.B. 90: Places status offenses under delinquents; includes waiver on repeat status offenses; ready for signature into law. Reactionary.	Iowa—Thomas Higgins proposed bill to remove status offenses.	New Hampshire—legislation passed to close detention centers. Proposed legislation to revise criminal code. Proposed legislation to remove status offenses.
Louisiana—1972: Proposed legislation to revise juvenile code in encompassing the area of dispositional procedure.	Kansas—1973: legislation passed to increase community-based programs. No legislation pending.	Pennsylvania—new juvenile justice act requires separate facilities for status offenses.
Maryland—1974: Legislation passed forbidding use of training schools for CHS. Bill reportedly under examination to unify juvenile court system and remove status offenses. Bills passed: 3 negative, 1 positive. Legislation all dead.	Maine—L.D. 48: Permits a juvenile to be sentenced to a correctional center for habitual truancy. L.D. 463: Reduces age of jurisdiction to 16; provides that if the offense would not have been crime if offender were over 16, they cannot be committed to training school.	
Minnesota—passed legislation which adjudicates status offenses as delinquents. Reactionary.	Michigan—introduced bill to remove status offenses and provide other major improvements in the criminal code.	
Nevada—proposed legislation to revise juvenile code to fingerprint runaway youths.	Missouri—2 positive bills; 2 negative bills.	
Oklahoma—reactionary bills passed.	North Carolina—legislation proposed to remove status offenses.	
Texas—no status offense legislation; no juvenile legislation.	North Dakota—2 laws passed: One to hold hearings on removing child from family; one to extend training school committees.	
West Virginia—regressive waiver proposed in legislation.	Ohio—ad hoc study group plans to research problems of status offenses; long-range goal is to remove status offenses from juvenile code.	
	Oregon—feels need for legislation pertaining to youth who do not need to be placed in detention homes, like status offenders.	
	Vermont—legislation proposed to change the language referring to children in child control laws.	
	Washington—propose to remove status offenses from juvenile code; criminal justice code needs revision.	

NOTES

No legislation: Alabama, Alaska, Arizona, California (study underway), Colorado, District of Columbia, Georgia, Hawaii, Illinois, Kentucky, Mississippi, Montana, Nebraska, New Jersey, Rhode Island, South Carolina, Tennessee, Utah, Virginia, Wisconsin, Wyoming, and South Dakota.
State plan not available: No response to request for legislation: New York, and New Mexico.

PROGRAMS (TABLE II)

In addition to recognizing the need for State legislative reform, Congress placed special emphasis on developing prevention, diversion, and community alternative programs at the local level. The act has authorized basic restrictions for detention of juveniles. Juveniles can only be detained in juvenile facilities; and whenever possible, they will be placed in foster homes or community-based centers. Under no circumstances will a juvenile be detained in a facility where he is continually in contact with adult offenders; and under no circumstances will an alleged delinquent be placed in a facility where he is continually in contact with adjudicated delinquents.

Moreover, no juvenile may be committed to a facility where he has contact with adult criminals. Adequate standards for care of the juvenile must be met before commitment. Whenever possible, the juvenile must be placed in a community-based facility.

Regressive States: Column 1 reveals that 24 percent of the States continue to detain juveniles in the same facilities with adults. NCCD's research efforts have uncovered particularly acute problems in Wyoming: 60 percent of the jails in that State detain juveniles in the same facilities with adults; plus there are no preventive or diversionary programs operating within the State system. Column 1 also shows that Indiana, Idaho, North Dakota, South Dakota, South Carolina, and West Virginia are other States that fall within the regressive category.

Moderate States: Column 2 indicates that 35 percent of the States have placed emphasis on expanding community treatment facilities. It is important to note that some States demonstrate progress in one category, and respond regressively in others. Colorado, for example, has demonstrated an increase in community treatment programs, but existing evidence points to no proposed legislative reform in the handling of status offenders. On the other hand, Iowa has incorporated a policy which would increase community-based projects, and has also proposed a bill to remove status offenses from the juvenile code. Other States which fall in this category are Alabama, Arizona, Hawaii, Illinois, Kansas, Kentucky, Louisiana, Maine, Nevada, New Mexico, North Carolina, Ohio, Rhode Island, Tennessee and Vermont.

Progressive States: States in this category have concentrated on deemphasizing institutionalization and emphasizing the development of innovative methods for treating juveniles; they make up 29 percent of the Nation. As a case in point, Massachusetts has closed its training schools and placed its juvenile inmates in private residential centers, foster homes, and family-style group homes. New Hampshire's detention centers have also been closed; its juveniles have been moved to out-of-State facilities or community-based projects. Other States included in the progressive category are Connecticut, Delaware, Florida, Maine, Pennsylvania, Texas, Washington, D.C., Oklahoma, Michigan, and New Jersey.

TABLE II—PROGRAMS

Regressive	Moderate	Progressive
Alaska—no programs for delinquency or pre-delinquent youth. Only operating programs are for adjudicated youth. Have CINS.	Alabama—emphasis placed on expanding community-based programs for youth.	Colorado—increased community treatment programs; have CINS.
Georgia—have very few community-based treatment programs; have put emphasis on enlargement of probation and parole services.	Arizona—no CINS or PINS programs; have placed emphasis on community alternatives to incarceration.	Connecticut—placed emphasis on community-based programs; have funded residential programs and community-based directive service program.
Idaho—want to expand community-based programs, but will not fund them. Remain the same. See legislation.	District of Columbia—have emphasized need for community-based projects; have CINS.	Delaware—de-emphasis on institutionalization; emphasis on community level programs.
Indiana—40 percent of boys in community-based shelter care centers are status offenders; 60% of girls are status offenders; no CINS or PINS programs.	Hawaii—proposed bill in 1974 to incorporate a temporary shelter-care program.	Florida—legislation passed to increase community treatment programs; CINS operating.

Regressive	Moderate	Progressive
Mississippi—not much emphasis on developing community programs; emphasis on use of probation and parole services.	Illinois—emphasis on expanding community-based service to youth; CINS or MINS operating.	Iowa—believe community-based projects work, reduce crime by 5%; have planned to increase community services for youth with behavioral problems.
Montana—lack community treatment programs for counseling, foster care, psychological help; have CINS or PINS.	Kansas—emphasis on expanding community treatment programs.	Maine—improvements underway for development of more alternatives to institutionalization.
South Carolina—no CINS or PINS programs; in need of community alternatives to incarceration.	Kentucky—proposal to expand shelter care and treatment care centers.	Massachusetts—increase in community treatment projects; emphasis on more of the same projects; CINS operating.
South Dakota—no CINS or PINS, looking at alternatives (community-based).	Louisiana—want to expand community-based programs; have CINS operating.	Michigan—community facilities for juveniles under expansion (status offenses, residential attention centers and group homes); have YINS program.
Utah—incarcerate their juveniles for minor offenses, such as smoking.	Maryland—emphasis placed on increasing community-based programs (shelter-care, group homes, treatment centers); have CINS.	Nebraska—emphasis on expanding community programs for potential delinquents and misdemeanants (status offenders); have CINS operating.
West Virginia—youth pending court decisions are detained in county jails; no CINS program.	Nevada—have CINS program operating; have demonstrated need for more community-based projects.	New Hampshire—increased community-based programs.
Wyoming—60 percent of jails offer no separate juvenile facilities; no diversion or preventive programs operating; have CINS.	New Mexico—comprehensive plan states that emphasis should be placed on community programs for first offenders; want to develop youth services unit; have CINS.	New Jersey—emphasis placed on expanding non-institutional programs, and diagnostic services to the court are being expanded; have CINS or JINS.
North Dakota—status offenders and juvenile arrestees held in same jail with adults; no PINS or CINS programs.	North Carolina—goals are to reduce juvenile crime, increase fairness of the system, increase the efficiency and humaneness of the system, increase understanding of delinquency.	Oregon—proposed to increase community-based treatment programs for prevention and diversion of delinquency.
	Ohio—emphasis on projects which will reduce juvenile crime, using projects at community level.	Pennsylvania—increase in community-based programs according to the Office of Children and Youth.
	Oklahoma—emphasis on expanding and developing community-based programs and probation and parole service to youth for status offenses; 24.8 percent of delinquents are status offenders; CINS operating.	Texas—emphasis on usefulness of community-based alternatives to incarceration; have plans to increase services in this area; have CINS in operation.
	Rhode Island—according to comprehensive plan, more community alternatives are needed; goal is to reduce juvenile crime rate by 20 percent by 1976.	Wisconsin—between 1971 and 1973 \$3,062,422 rewarded by State Council on Criminal Justice for expansion of preventive community-based programs; have CINS.
	Tennessee—sufficient effort being placed on expansion of after-care and youth service units to meet the needs of status offenders.	
	Vermont—emphasis on expanding community-based programs; have CINS in operation.	
	Washington—emphasis on expanding group homes, community-based probation service, counseling service and treatment centers; want to develop comprehensive youth service system for intake, diagnostic treatment and after-care; have CINS in operation.	

Note.—Data not available: Arkansas, California, Minnesota, Missouri, Virginia, and New York.

FUNDING PATTERNS (TABLE III)

In this table, the funding programs of each State are examined for the last 4 fiscal years—there is no information on fiscal year 1975.

Table III tracks the expenditures by program category for all the States combined.

Of particular significance is the marked declining trend in the following categories, given special emphasis under the act: Prevention and Diversion, and Training.

After examining the States' planned allocations for the past 4 years, it is obvious that juvenile justice and delinquency prevention is not a priority issue. Table III also points out that in 1971, \$69,337,537 was allocated for juvenile programs; in 1972, \$113,328,011; in 1973, \$97,660,207; but in 1974, \$74,732,592 was allocated. However, there are 20 States still to report.

TABLE III

	Fiscal year 1971			Fiscal year 1972			Fiscal year 1973			Fiscal year 1974		
	Total funds including match	Percent		Total funds including match	Percent	Percent change	Total funds including match	Percent	Percent change	Total funds ¹ including match	Percent	Percent change
Prevention and diversion	21,999,104	31.7		43,844,415	39	7.3	30,317,486	31	8	24,694,869	33	2.8
Law enforcement				3,703,329	3		3,251,451	1	2	2,888,838	3.8	-2.6
Detention				9,421,865	8		7,637,981	8	2	7,789,011	2.4	-2.9
Courts				2,445,039	2		2,495,110	2	0	5,131,172	6.9	-4.1
Community alternatives	43,443,469	62.7		31,806,931	28	34.7	36,522,001	40	-12	23,843,565	30.9	-8.4
Institutions and parole				17,739,833	16		11,529,793	12	1	12,273,760	17.4	-3.4
Training and staff	3,894,964	5.6		4,459,810	4	5.0	4,063,786	4	1	3,288,732	4.2	-1.8
Miscellaneous				1,600,637	2		4,639,681	2	0	7,773,355		
Total	69,337,537			113,328,011			97,660,207			74,732,592		

¹ Data incomplete.

N.B. Category breakdown made a definitional change in 1972.

FUNDING PATTERNS (TABLE IV)

A closer look at the individual States' programmatic thrust during that time frame reveals that only 43 percent of the States have increased their expenditures in juvenile programs by 9 percent. The others have either reduced their appropriations, or are operating at a moderate level.

Regressive States: Indications are that 26 percent of the States have cut the appropriations directed toward juvenile justice programs. Alaska, for example, allocated 12 percent of its block grant funds to juvenile programs in 1972; 23 percent in 1973, but sharply dropped its allocation to 11.4 percent in 1974. Following a similar pattern are Arizona, Hawaii, Iowa, Kansas, Kentucky, Maine, Maryland, New Jersey, Utah, South Carolina, West Virginia, and Wisconsin. Is it realistic to expect States to improve and expand their services to prevent and control delinquency without adequate funding?

Moderate States: Slightly more encouraging, 22 percent of the States have increased their allocations for juvenile programs, ranging from 1 to 8 percent. As column 2 indicates, States falling within the moderate pattern are Alabama, Florida, Illinois, Missouri, New Hampshire, North Dakota, Ohio, Pennsylvania, Montana, Rhode Island, and Washington, D.C.

Progressive States: 40 percent of the States depicted in column 3 have increased their allocations by more than 9 percent since 1970. Georgia, for example, allocated 8.5 percent of its available block grant funds to juvenile programs in 1970, but in 1972, raised its allocation to 16 percent; 1973, 15 percent; and in 1974, the allocations rose to 26 percent.

Most notable, California reached the benchmark in 1970, and directed 50 percent of its 1970 allocations to juvenile programs. Although the increased allocations depicted in column 3 are commendable, it is obvious that juvenile justice programs are not a number one priority. Since youngsters 18-and-under are responsible for over 50 percent of the crime, and since the recidivism rate ranges as high as 70 percent with this age group, it is "penny-wise but pound-foolish" to fail to invest less than 50 percent of available funds in delinquency prevention and treatment.

TABLE IV—FUNDING PATTERNS

Regressive	Moderate	Progressive
Alaska—1970 allocations=5 percent; 1973 allocations=23 percent; 1974 allocations=11.4 percent; Represents a 13.5 percent decrease from 1973 to 1974.	Alabama—1970 allocations=12.9 percent; 1973 allocations=17 percent. Represents a 4.1 percent increase from 1970 to 1973.	Arkansas—1970 allocations=6 percent; 1973 allocations=18 percent. An increase of 12 percent.
Arizona—1970 allocations=13.3 percent; 1973 allocations=11 percent. A decrease of 2.3 percent.	District of Columbia—1970 allocations=17.4 percent; 1974 allocations=20 percent. Represents an increase of 2.6 percent.	
Hawaii—1970 allocations=31.2 percent; 1973 allocations=29 percent. A decrease of 2.2 percent.	Florida—1970 allocations=4.3 percent; 1974 allocations=8.6 percent. Increase of 4.3 percent.	Colorado—allocations in 1970=6.7 percent; 1974 allocations=18.7 percent. A 12 percent increase.
Iowa—1973 allocations=16 percent; 1974 allocations=13.6 percent. A decrease of 2.4 percent.	Illinois—1970 allocations=4 percent; 1973 allocations=8 percent. An increase of 4 percent.	Connecticut—allocations in 1970=1 percent; 1974 allocations=26.6 percent. An increase of 17.4 percent.
Kansas—1970 allocations=5.9 percent; 1973 allocations=0.29 percent. A decrease of 5 percent.	Missouri—1970 allocations=13.4 percent; 1974 allocations=20.9 percent. Represents an increase of 7.5 percent.	Delaware—allocations in 1970=1 percent; 1974 allocations=22 percent. An increase of 17.5 percent.
Kentucky—1970 allocations=24 percent; 1973 allocations=16 percent. A decrease of 8 percent.	Montana—funds allocated in 1970=\$108,350; funds allocated in 1974=\$237,650. More than double.	Georgia—allocations in 1970=8.2 percent; allocations in 1974=26 percent. An increase of 17.8 percent.
Maine—1970 allocations=14.9 percent; 1973 allocations=9 percent. A decrease of 5.9 percent.	New Hampshire—1970 allocations=6.6 percent; 1973 allocations=10 percent. An increase of 3.4 percent.	
Maryland—1970 allocations=37.2 percent; 1974 allocations=33.4 percent. A decrease of 3.8 percent.	North Dakota—1970 allocations=4.7 percent; 1973 allocations=9 percent. An increase of 4.3 percent.	Indiana—allocations in 1970=15.1 percent; in 1973, allocations=27 percent. Represents a 12 percent increase.
New Jersey—1970 allocations=25.7 percent; 1974 allocations=19 percent. A decrease of 6.7 percent.	Pennsylvania—1970 allocations=12.4 percent; 1974 allocations=19 percent. An increase of 6.6 percent.	Louisiana—allocations in 1970=3 percent; in 1974, allocations=10 percent. An increase of 11.1 percent.

Regressive	Moderate	Progressive
South Carolina—1970 allocations=6.2 percent; 1973 allocations=6 percent. A decrease of 0.2 percent.	Rhode Island—1970 allocations=3.4 percent; 1973 allocations=4 percent. An increase of only 0.6 percent.	Minnesota—allocations in 1970=1.8 percent; in 1974 allocations=23 percent. An increase of 21.2 percent.
Utah—1970 allocations=0.4 percent; 1973 allocations=16 percent; 1974 allocations=15.4 percent. A decrease of 0.6 percent between 1973 and 1974.	Idaho—allocations in 1970=7.5 percent; in 1974, allocations=15.3 percent. An increase of 7.8 percent.	Mississippi—in 1970, allocations=7.4 percent; in 1974, allocations=17.5 percent. An increase of 10.1 percent.
West Virginia—1970 allocations=11 percent; 1974 allocations=4.2 percent. A 6.8 percent decrease.		Nebraska—allocations in 1970=5.1 percent; in 1974, allocations=23 percent. An increase of 17.9 percent.
Wisconsin—1970 allocations=11.3 percent; 1973 allocations=10 percent. A decrease of 1.8 percent.		Nevada—allocations in 1970=5.9 percent; allocations in 1973=16 percent. An increase of 10.1 percent.
		New Mexico—allocations in 1970=5.7 percent; allocations in 1974=31.8 percent. An increase of 26.1 percent.
		Ohio—allocations in 1973=19 percent; allocations in 1974=21.4 percent. An increase of 2.4 percent.
		Oklahoma—allocations in 1970=5.6 percent; allocations in 1973=25 percent. An increase of 19.4 percent.
		Oregon—allocations in 1970=9.8 percent; allocations in 1973=24 percent. An increase of 14.2 percent.
		South Dakota—allowances in 1970=1.3 percent; allocations in 1974=12 percent. An increase of 10.7 percent.
		Tennessee—allocations in 1970=1 percent; allocations in 1974=11 percent. An increase of 10 percent.
		Texas—allocations in 1970=4.2 percent; allocations in 1974=27 percent. An increase of 22.8 percent.
		Vermont—allocations in 1970=8.9 percent; allocations in 1974=30.3 percent. An increase of 21.4 percent.
		Washington—1970 allocations=2.8 percent; allocations for 1974=30.5 percent. An increase of 27.7 percent.
		Wyoming—allocations in 1970=5.8 percent; allocations in 1974=17.9 percent. An increase of 12.1 percent.

Note.—Data not available for: California (considered progressive), Massachusetts, Michigan, North Carolina, and Virginia.

BIOGRAPHICAL SKETCH

H. Ladd Plumley, Chairman of the Board, National Council on Crime and Delinquency.
 1972—Honorary chairman of the board, State Mutual Life Assurance Co. of America, 440 Lincoln St., Worcester, Mass.
 1956 to 1971—Chairman of the board and chief executive officer, State Mutual Life Assurance Co. of America.
 Director, Worcester Mutual Insurance Co.
 Director, the Beacon Mutual Insurance Co.
 Director, State Mutual Broadcasting Corp.
 Director and member of executive committee, the Hanover's Insurance Co.

Director and member of executive committee, Massachusetts Bay Insurance Co.
 Director, California Compensation and Fire Co.
 Past president (1963-63) and past director, Chamber of Commerce of the United States of America.
 Residence: 16 Moreland St., Worcester, Mass.
 Born: May 13, 1902, Waterbury, Conn.
 Education: The Hotchkiss School, 1921; Williams College, 1925 (B.A.)
 Honorary
 Degrees: LL.D. Clark University 1963; LL.D. Williams College 1963; Sc.D. Worcester Polytechnic Institute 1963; S.C.D. Assumption College 1963; S.C.D. College of the Holy Cross 1963; LL.D. LaSalle College 1968.
 Member, Phi Delta Theta Fraternity; the Bald Peak Colony Club, the Bohemians; Tatnuck County Club, Worcester Art Museum; Worcester Club, Worcester Country Club; the National Press Club; the Pilgrims.
 Supreme Knight, commander of Justice Sovereign Order of Saint John of Jerusalem, Knights of Malta.
 Past chairman, National Emergency Committee.
 Director, Worcester County Music Association.
 Member of advisory committee, Colonial Distributors, Inc.
 Chairman of the board and trustee, National Council on Crime and Delinquency.
 Vice chairman, U.S. Business and Industry Advisory Committee to Organization for Economic Cooperation and Development.
 Member, Business and Industry Advisory Committee for Economic Cooperation and Development (international).
 Trustee, the Bank of New York.
 Honorary director, Worcester County National Bank.
 Trustee, Worcester Polytechnic Institute.
 Honorary trustee, Becker Junior College.
 Charter member, the Clark University President's Council.
 Member, advisory council, Assumption College.
 Member, board of trustee, Worcester Foundation for Experimental Biology.
 Chairman of the board, Arts Council of Worcester, Inc.
 Director, Legal Aid Society of Worcester.
 Corporation, Worcester Boys Club.
 Member, advisory board, Big Brothers of Worcester County.
 Corporation member, United Church Board for Homeland Ministries.
 Lieutenant colonel, U.S.A. 1942-45.

Senator BAYH. Thank you, Mr. Plumley.

I will wait and ask general questions that you might care to respond to as well as the other members of the panel. Let me just ask one question because I hope Mr. O'Neill, Mr. Lynn and others who were represented earlier here will look carefully at the real impact of these statements.

Inasmuch as Mr. O'Neill kept responding to some of the questions that I directed in a general sense relative to the overall spending problem, would it be possible to include in the record at this time a list of the members of the board of directors of the NCCD.

Mr. PLUMLEY. We would be very happy to, sir.

Senator BAYH. Would it be a fair assessment to suggest that a significant numbers of the members of the board of your organization who can exercise a leadership role in this area would be categorized as industrial leaders, people in the country who are as concerned about the state of the economy and deficit spending as anybody else?

Mr. PLUMLEY. I think they would be proud to be so categorized.

Senator BAYH. Thank you.

[EXHIBIT NO. 12.]



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Senator BAYH. Mr. Andrus, you may proceed.

STATEMENT OF RAY ANDRUS, STAFF REPRESENTATIVE, DEPARTMENT OF COMMUNITY SERVICES, NATIONAL AFL-CIO

Mr. ANDRUS. We also welcome the opportunity to testify before this subcommittee in support of the legislation that we have before us.

I would like to make a brief statement, partly to give some background on the AFL-CIO policy position on juvenile delinquency and crime.

In December 1953, at its first constitutional convention, the AFL-CIO expressed its concern over juvenile delinquency. In a policy resolution on children and youth it was clearly stated that, to meet the problems of juvenile delinquency the AFL-CIO supported expanded programs in the field of youth services, improved procedures for detecting and aiding maladjusted children, and a constructive approach to handling those who get into trouble with the law.

From that date until the present the AFL-CIO through its community services department has maintained a direct interest in juvenile delinquency and juvenile justice. At this time the AFL-CIO has five full-time liaison labor staff representatives working for the National Council on Crime and Delinquency on programs to help the youthful offender and to prevent delinquency. The AFL-CIO endorses and supports these programs in each community where they are developed. Such programs are now in progress in 12 selected cooperative metropolitan areas. Others will be developed as these activities expand.

KEY IS PREVENTION

The AFL-CIO recognizes that the rapidly accelerating rate of juvenile crimes is in itself an extremely serious national problem. By helping our young people and improving rehabilitation we can reverse this trend. We believe that the key to better crime prevention is improved rehabilitation.

Currently, as a part of the programs for labor at the local level we recommend: (1) That the AFL-CIO/NCCD staff be contacted for assistance in setting up a community program. (2) Participation in the program should be extended to all segments of the community.

(3) A 1-day seminar followed by a 6 to 8 week educational program on crime prevention, rehabilitation, and juvenile justice should be held. (4) Establish a permanent Citizens Action Committee to work on problems and develop solutions. (5) When one goal is accomplished look for another. Keep a continual program going.

This statement is made to give some understanding to this Senate subcommittee of the positive position which the AFL-CIO has on crime prevention, juvenile delinquency, and juvenile justice. However, our primary reason for appearing before this subcommittee is because of our interest in Public Law 93-415. We are deeply concerned over failure to properly implement this useful piece of legislation. The legislative branch of Government should be commended for meeting its responsibilities by enacting Public Law 93-415. The executive branch of our Government should also assume its share of responsibility and permit this law to operate as it was designed—with an administrator and necessary operating funds.

Mr. Chairman, I cannot help but interject that a previous witness testified that the Civil Service Commission was grappling with the problem of arriving at who should be an administrator because of a grade determination. I think it was referred to as something like the problem of which came first, the chicken or the egg. I would like to respectfully suggest that the Civil Service Commission, our executive branch of Government and all of the rest that may be impeding this: "get out of the barnyard." Let us settle our problems where it should be for the American people.

Senator BAYH. Thank you, Mr. Andrus. I must say that your last statement makes a lot of down-home country logic. That beats anything I have seen at all times as far as passing the buck.

Your organization provides community services for how many members?

Mr. ANDRUS. For 14.5 million members. And when you consider that we also provide these same services for members and their families—because it is a job where we deliver services that apply to the whole family—I would say from 65 to 70 million people.

Senator BAYH. Most of those members, anyhow, all of those presently employed, are taxpayers. Is that a fair assessment?

Mr. ANDRUS. Yes, sir, they are taxpayers, and they pay. I would say, a sizable portion of the taxes that our Government operates with.

Senator BAYH. When the great concern of the taxpayer was expressed by Mr. O'Neill, that would also be shared by you, sir.

Mr. ANDRUS. Yes, sir. I think we are probably more concerned than he is because our efforts happen to be in that middle-class bracket, where they pay the taxes and have no loopholes.

Senator BAYH. And, without putting you in a position of speaking for all of those individual millions, you would say that there would be general feeling from your members that spending more to implement this act would be a good investment?

BELIEVE ACT IS GOOD INVESTMENT

Mr. ANDRUS. I would think that out of our 14.5 million members to spend a few extra dollars to achieve something like this—which would help our whole country, which in the end would bring about

an estimated saving of \$12 million—we would think it would be a just, good investment. In fact we are surprised that the Office of Management and Budget, that counts dollars and cents, overlooked a bargain of this nature.

Senator BAYH. Thank you.

You are talking about the cost of the program on one side, but it seems to me the OMB is looking at it without a consideration of the cost of inaction on the other. I would hope that the reassessment that is now going on, perhaps prodded a bit by your presence and the concern expressed by all of your individual constituencies, will lead to a different conclusion than that we have had so far.

Mr. ANDRUS. Mr. Chairman, may I say just one more thing?

I have just wondered after sitting here and hearing some of the testimony what the reaction would have been if the OMB had been offered a package of \$672 million for Vietnam and \$50 million for Juvenile Delinquency.

Senator BAYH. Yes, that is an interesting comparison. Thank you. Ms. Dumas, will you give us your views?

STATEMENT OF MARY E. DUMAS, COMMISSIONER, WAYNE COUNTY, MICH.; REPRESENTING THE NATIONAL ASSOCIATION OF COUNTIES

Ms. DUMAS. Mr. Chairman, I am Mary Dumas, county commissioner from Wayne County; and, by the way, a member of our Detroit-Wayne County Criminal Justice Coordinating Council and past acting director of the Juvenile Facility Network Executive Committee.

I, too, would like to commend the subcommittee for holding these hearings and appreciate the opportunity to appear here. I am not only representing Wayne County today, but I am also representing the National Association of Counties. Our prepared testimony has been given to your staff and we would like to have that entered into the record.¹

Senator BAYH. Without objection.

Ms. DUMAS. I would also like to have entered for the record a resolution which we have received from several counties across the Nation, including Wayne County. Several others, I believe, are on their way to your subcommittee or to the congressional delegation. We would like to have those entered into the record.

Senator BAYH. We will also put those into the record.²

Ms. DUMAS. By the way, Wayne County is the third largest county in the country.

I would like to briefly discuss what counties conceive as their problems regarding funding and implementation of the new Juvenile Delinquency Act.

Sitting here, listening to some of the earlier testimony, and listening to some of the problems of legislation and appropriation and administration, I am reminded that many counties, in fact, are not only legislative bodies, but we are administrative bodies. We not

¹ See p. 141.

² See appendix, pp. 445-449.

only have to decide the programs' priorities, we have to appropriate the funds, and then go back at a later date and make sure that those programs have been properly implemented.

In the criminal justice system alone, the counties are responsible for the jails, the prosecutor's office, the county courts, defense counsel for indigents, the county sheriff, in addition to the juvenile courts and all juvenile detention facilities and foster homes. These are all financed from our general county funds. In addition, we are responsible for directing and funding all public health and mental health programs, hospitals, programs for the aging, alcohol and drug abuse programs, manpower and community development programs, and a host of other social service programs. In fact, Wayne County spends 56 percent of its entire budget on public health, welfare, and social service programs.

Across the country, counties are actually the prime deliverers to the client of all social services in the public sector. One thing we noted in looking at the list of the new Juvenile Justice Council is that in face of all these county responsibilities we found it incredible that there was not a single county commissioner selected, or any other representative of general county government. Our dilemma as county policymakers is tremendously increased by the current economic recession. Budgets have been cut at the Federal, State, and county levels for all of our special service programs at the very time when the need for them has become so critical. We realize, as you do, the problems involved in determining funding priorities, combined inflation, and unemployment, for instance, have struck a staggering blow to thousands of families across this country, causing emotional distress and severe hardships.

In Wayne County alone, our unemployment rate is over 17 percent. This means that not only are kids, intercity kids and ghetto kids being affected, but that blue-collar kids and blue-collar families and middle-income families, for the first time, are seeing their fathers on indefinite and permanent layoffs from their jobs and standing in unemployment and public assistance lines. So, what happens is that when mom and dad turn to alcohol to try and drown their woes, the kids may decide to turn on to alcohol and drugs. When it becomes a problem of how mom and dad are going to divvy up the unemployment check, and the quarrels begin, the kids may simply decide it's just too much to stand and may decide to run away from it all.

LEAA GUIDELINES DON'T STRESS PREVENTION

Mr. Chairman, we are faced now not only with all our previous delinquency problems, but with a whole new host of potential troubled and delinquent kids. Although the LEAA programs under the Safe Streets Act provided some excellent programs, it has not addressed itself sufficiently to the whole area of juvenile delinquency. Its guidelines, for instance, have prevented the use of public Federal funds in some of the most critical juvenile areas. It has intervened for the most part, only after a youngster becomes a statistic in the criminal justice system, and I profess to you that that is much too late.

In addition, the local justice coordinating councils do not have sufficient advocates for juvenile programs, and we see this in our

local coordinating council. NACo, believes that the Juvenile Delinquency Act will provide the answer for many of our problems. It calls specifically for the innovative programs for the prevention of delinquency, and alternatives to the traditional criminal justice system.

Equally important, Mr. Chairman, it provides for research into the causes and solutions of juvenile delinquency. It provides something which we have not had in sufficiency before, and that is training funds for the people who both are professionals and volunteers, to work with these troubled kids who are delinquent or pre-delinquents. It addresses itself to alcohol and drug abuse among youngsters and provides assistance and facilities for runaways.

In Wayne County last year, there were 10,000 runaway kids arrested. And, if you have ever been in our youthful detention centers and seen the conditions, you will know that some of these runaways—10- to 14-year-olds—have needle marks in their arms, and have become street prostitutes. Or they may have started out as a troubled kid, and ran away from home. That is why I think we see some problem with trying to separate completely out of the system the status offender, because the status offender is the kid who, time and time again, ends up in the permanent criminal justice system.

As the local unit of government on whom the burden of juvenile courts and most child care problems fall, counties are desperately in need of the kind of assistance that this act provides. We agree with its findings, we agree with its goals and its aims, and we look forward with great expectation to its implementation and funding. But without the dollars to produce the programs and facilities, and without the means to assist runaways, without the resources and technology to train the people who work with troubled kids, without the needed research for better techniques of screening and prevention, Congress and the administration merely add another group of voices to bewail our common problems and express our mutual hopes.

I would like to just mention one thing; that in listening to the testimony, and hearing time and time again the discussion about who is responsible for the act not being implemented, I too hope that—since this was a bipartisan bill, strongly supported—it will, rather than be a battleground of yes or no, that both Congress and the administration will go back and look at their priorities for funding, and decide that this juvenile area is an area of major priority. And I again want to say, both at the national level on LEAA and our local level of our Criminal Justice Coordinating Council, we have a predominance of adult-oriented people. We have prosecutors, police chiefs, county sheriffs, adult courts, and our own council, aside from myself. I am a very strong advocate of the juvenile area. We have our juvenile judge, and this I believe is an area where we need to emphasize the support at the State, local, and Federal level to place the juvenile advocates in positions where they will be heard. Thank you.

PREPARED STATEMENT OF MARY E. DUMAS

Mr. Chairman, members of the subcommittee, ladies and gentlemen: my name is Mary E. Dumas, Commissioner from Wayne County, Michigan. On behalf of the National Association of Counties, I am pleased to accept your invitation to articulate our policy and express our needs. The National

Association of Counties (NACo) represents 1,343 counties—ranging in size from California's Los Angeles County, with 7 million inhabitants, to Colorado's Hinsdale County, with 202 inhabitants. As a commissioner elected to serve Wayne County, Michigan (a county of 2.7 million inhabitants that includes Detroit and its suburbs), and member of NACo's Crime and Public Safety Steering Committee, I hope to speak today for my own and all the nation's counties, since counties share with the states major responsibility for juvenile justice.

Mr. Chairman, NACo commends the subcommittee for calling these oversight hearings into the implementation of the Juvenile Justice and Delinquency Act of 1974. The Nation's counties are deeply concerned that the act—particularly with respect to funding—is not being implemented as Congress envisioned when it was passed. We hope these hearings will ensure that the act is fully implemented and fully funded.

By way of background, let me detail for the subcommittee the nature and extent of the juvenile delinquency problem as seen from the County perspective.

DELINQUENCY AND COUNTY GOVERNMENT: AN OVERVIEW

Juvenile Delinquency

People under 18 years of age constitute just 16 percent of the population, but commit close to 50 percent of the crimes that cause injury or loss of property. Juvenile involvement in serious crimes rose 60 percent in the last 5 years, and continues to increase. Not only more, but younger juveniles commit crimes. An assistant director of the Youth Gang Resource Project in Los Angeles confesses, "our biggest problem is with the 8- to 11-year-olds. They're into everything—vandalism, assault, petty theft, extortion at school."

In Wayne County, juvenile arrests for serious crimes increased 39 percent in 1974 over 1973. One of every three people arrested for a serious crime in Wayne County is a juvenile. Juvenile arrests for auto theft outnumber adult arrests two to one. I serve on the Detroit-Wayne County Criminal Justice System Coordinating Council. These are the statistics we must deal with:

WAYNE COUNTY ARREST DATA, 1974

Offense (part I crimes)	Numbers of juveniles arrested (under 17 yrs)	Numbers of adults arrested	Ratio
Murder.....	28	575	1:20
Forcible rape.....	38	379	1:10
Poverty.....	748	2,287	1:3
Aggravated assault.....	751	1,997	1:2.5
Burglary.....	2,234	3,342	1:1.5
Larceny.....	4,885	9,521	1:1.5
Auto theft.....	1,206	658	1:1.8

These figures are for an urban area, but juvenile crime affects all counties rural as well as urban. Recent studies show the number of criminal acts groups of youth report to researchers in Philadelphia's inner city is the same as the number of criminal acts groups of youth in Oregon's rural counties report—all largely unrecorded and even unsuspected by the juvenile-justice system. From this evidence, we might conclude that youthful criminality is so serious a problem it deserves the exclusive attention of specialists.

But criminal youth are only part of the juvenile-justice caseload. Law enforcement officers pick up and detain youthful loiterers and runaways. Juvenile courts hear cases not only for youth accused of crime—who may be waived into adult criminal court for trial—but also of youth brought in for truancy, drinking under age, promiscuity, running away from home, or some other offense that would not call an adult to the attention of our courts.

The Court

Whether a youthful offender is picked up by a county or city law enforcement officer, referred by a teacher or counselor of an independent school district, or brought in by his parents, if the case goes to trial it will probably be in a county court.

Juvenile courts vary from State to State, and within States—except for four statewide systems—but they are generally funded by counties and administered at the county level. According to the National Assessment of Juvenile Corrections, only 20 States help their counties pay for juvenile justice, and their assistance is rarely substantial.

Counties pay more than any other level of government for courts: in fiscal 1974 we paid \$747 million out of our own pockets for this function, including juvenile courts. But these courts are not part of the county. They are an arm of the State; juvenile court judges are independently elected in 38 States, and they dispense judgment according to a State Code.

The same codes give judges wide latitude to decide not only what constitutes "delinquency," but to handle cases without regard for the usual rules of evidence and to decide among a variety of dispositions. The result of juvenile court informality is that the U.S. Supreme Court has had to impose some rules on the proceedings; the result of the variety of dispositions is the same as if there were none—and in most communities there are few enough—the result of the court's role as a kindly disciplinarian is that 100,000 children are institutionalized every year, and 74 to 85 percent of those who are released will be returned for new offenses.

This is not the fault of the juvenile court judges, who have been asking for training in alternatives to institutionalization for 10 years, consistently listing as their top priority the inadequacies of the facilities they are forced to utilize.

Detention and Incarceration

The United States detains more youth per hundred in the population than any other industrialized country. The majority are in State training schools—63 percent—but the second highest percentage are in detention centers, where they are usually held less than 1 month. These are primarily operated by counties—90 percent. But this does not mean most counties have a juvenile detention center, as most counties have a jail: 93 percent of the detention beds are in 7 percent of the counties—that is, in large, urban counties, where 50 percent of all U.S. youth live.

Rural counties would rather keep their juvenile offenders at home in the jail, than send them to these facilities. This is not the only reason juveniles are locked in jail: all communities, large and small, jail a certain number of juveniles, "to teach them a lesson," or "for their own protection." On a given day in March 1970, the Law Enforcement Assistance Administration and the Bureau of the Census found 7,800 juveniles in local jails; 1,365 were serving sentences of a year, and 853 were serving a sentence of more than a year.

There is little to choose among jail, State training school, or detention centers. Only a small percentage of jails offer more than religious services to their inmates. The locality that turns youth over to the State loses track of them—authority to determine date of release is turned over at the same time. There is rarely provision in the State code for review or hearing, and no definite time-period is specified. This vague, discretionary authority carries so much potential for abuse and neglect, that eight States have amended their statutes to provide for maximum terms of institutionalization. Although detention centers are located in the community, only 20 percent of all detention centers reported to the National Council on Crime and Delinquency in 1966 that any of their youth participated in community activities. Since then, no one has asked.

Alternatives

The failure of traditional juvenile justice is so great that it suggests contact with courts, corrections and even probation officers increases the probability of further delinquency. In many counties, alternatives have been initiated to treat juvenile offenders, and to prevent delinquency. Local governments have not been able to set aside much money to pay for these experimental programs, and the Law Enforcement Assistance Administration has been willing to fund only treatment, not prevention programs. A little could be scraped together from the Department of Health, Education and Welfare, and State funds, but not enough to secure funding over periods of time sufficient to allow for satisfactory evaluation.

Nevertheless, we have learned that some programs do not work—at least, they have no effect: social casework, and recreation programs, for example. We have also learned that some programs hold promise for success: comprehensive services, for example, brought to bear on the needs of individual youth who are maintained in the community, either in residential alternatives or at home.

STRUCTURE FOR CHANGE

The county is a uniquely suitable place to initiate these alternatives. The juvenile court and many agencies that provide human services must come to the county governing board for approval of their budgets. The juvenile court, if it can be persuaded to cooperate, has the authority to order that decent alternatives be brought to bear on the problems of local youth, and to see that they are provided. The county's responsibilities to maintain public health, physical and mental, to supply vocational training, to provide social services including welfare, to fund education—these vary by county, but most counties have comprehensive responsibilities—have already created a structure that can institute comprehensive community-based services. Large urban counties or consortia of counties are eligible to receive and spend manpower training and placement moneys under the Comprehensive Employment and Training Act of 1973. This skeletal structure for change can be fleshed in with the collaboration of community resources—private groups, volunteers, and the school system.

Thus, the community itself can state and act on its own definition of the behavior it will tolerate, and take steps to meet the social needs of its youth. We must break the cycle that allows parents, schools, courts, and corrections to abdicate their responsibility to children—turning them out, handing them over, locking them up, letting them out, and locking them up again.

NACo finds that interest in bringing county and community resources together to serve youth is keen in the counties, and willingness to experiment with new ways of diverting and treating youth outside the juvenile-justice system is high. But the counties, as Congress discovered in hearings on the Juvenile Justice and Delinquency Prevention Act, cannot achieve large-scale changes to benefit youth without a sufficient level of federal financial assistance.

WHAT COUNTIES NEED TO EFFECT CHANGE

Funds

Counties need financial assistance. The criminal- and juvenile-justice systems are heavily supported by the most regressive of local taxes, and most of us face fiscal emergencies. Incarceration and detention are expensive, but the dollars we are often told we will save if we keep youthful offenders out of institutions must be quickly converted to program dollars if we are really to help rather than merely hold them. We have almost no resources to pay for the planning and expertise we need to start linking together a network of services that is responsive and accountable, particularly in the area of prevention. We need the means to amplify and strengthen our capability to meet the needs of our youthful population. We must find and finance shelter—both day care and permanent alternative environments. And we must have the means to evaluate what we have done.

In Wayne County, for example, we have 36 percent of the State's runaways, and the total number is increasing. We are looking for ways to provide temporary shelter. Meanwhile, we were able, with LEAA and HEW monies, to put together a Juvenile Facilities Network that now serves 3,400 youth. We were hoping the new Title XX moneys of the Social Security Act would be funneled through the State to Wayne County, enabling us to take over when the current funding period ends. This now looks doubtful. We face a loss in local tax revenue, and we must anticipate the effect of the cutback in LEAA's budget.

We would like to prepare our youth for the working world with training and jobs. But Wayne County's unemployment problem is so serious we must choose between children and their fathers.

Federal Leadership

Counties need Federal leadership to help influence their State legislatures to revise juvenile codes and bring them into the 20th century. There has been considerable movement in this direction since 1970, but most State statutes

are still too vague, and fail to provide the court's action. Provisions for legal counsel, for review and for other minimal rights and duties must be written into every State's Code. The Association of Arkansas Counties, for example, was able to write a new code for that Code, garner the support necessary to get it passed in the last session of the legislature, and follow it through with training for Arkansas county judges, with a small grant from LEAA.

Federal leadership can help bring school districts, county governing boards, agencies of local government, and community groups together—by providing the expectation that something may come of it.

Evaluation, Consultation, and Results of Research

We do not have, nor do we have the ready means to acquire, expertise, research studies, results of the few evaluations available, and resources to conduct our own evaluation of projects designed to prevent and treat delinquency. As the President's Commission on Law Enforcement and the Administration of Justice concluded:

"... Exemplary practices cannot be reduced to simple formula because they may depend upon other services and facilities not up to par. A jurisdiction with an excellent detention building may be poorly staffed; one with a good child-care staff may have communication problems with the probation department; one with an excellent probation department and detention facility may be overused by the police without court control. For this reason, high-caliber consultation and coordinating services . . . are of utmost importance if poor routine practices are to be avoided."

The Juvenile Justice and Delinquency Prevention Act of 1974

As Congress discovered in hearings conducted the past 2 years, "States and local communities which experience directly the devastating failures of the juvenile justice system do not presently have sufficient technical expertise or adequate resources to deal comprehensively with the problems of juvenile delinquency; . . ." This expresses our vexed condition in a nutshell. The Juvenile Justice and Delinquency Prevention Act of 1974 that followed this statement promised relief, specifically answering our three areas of need: 1). funds; 2). Federal leadership; 3). evaluation, consultation, and results of research.

The National Association of Counties passed out hundreds of copies of this act to its constituency, and it was hailed with enthusiasm. Our counties recognized the act as necessary support of their agenda for youth. We were anxious to get started on this new initiative. The counties were not so naive they did not see possible problems they would have to face when the act became law: The immediate separation of juvenile and adult offenders, and total de-institutionalization of "status offenders"—youth who commit offenses that would not be criminal if committed by adults—within 2 years of receiving funds will work a hardship on many small- and medium-sized counties. But the counties determined to overcome these problems, reasoning that with the resources and expertise available they could set up adequate alternatives.

The counties were stunned to discover that the President had signed the act into law one weekend, asking that no money be appropriated, since the Federal Government was already spending \$155 million "under current programs." This is a figure that should have been examined. LEAA had testified that they spent \$140 million through block grant programs on juvenile delinquency in fiscal 1973. Did anyone ask what for? We certainly haven't been able to spend block grant moneys for delinquency prevention in Wayne County. We must show youth to be possibly criminal if we are to qualify for Crime Control Act dollars. The remaining \$15 million represents a slight increase in the small amount HEW had been spending for some years to establish youth service bureaus and other programs.

What has happened to the Act's promise?

MAJOR PROVISIONS OF THE ACT—NOT IMPLEMENTED

The Act sets up mechanisms within the LEAA system of grants administration to advise, coordinate, and administer this new initiative. The crucial position is that of LEAA Assistant Administrator, to be appointed by the President, with the advice and consent of the Senate. This person is granted broad authority to implement the act, and a great deal, we think, depends

on its energetic administration. We watched for the appointment with interest. The act has been law for 7 months, and no administrator has been appointed.

Another major mechanism for administering the act is the Coordinating Council on Juvenile Justice and Delinquency Prevention. We hoped this council might provide major input to LEAA on problems of delinquency prevention and treatment. Because counties occupy a significant position in the juvenile-justice and social service system, we submitted a list of names for nomination that we thought would represent the county perspective. The 90-day deadline for appointing this council came and went, and despite our repeatedly voiced concern, we heard nothing until March 19, 1975, when we saw the list of Presidential appointees. Not one of the names we submitted was accepted, nor was any general elected official appointed.

The act sets out provisions for formula grants to the States—based on the ratio of their population under 18 to their total population—no State would receive less than \$200,000. As with other LEAA grants funneled through State planning agencies for criminal justice, local governments would have to put up a 10 percent match. Under the act, this match may be in cash or in-kind—services or facilities, volunteer hours donated, etc. This is a real advantage over the Crime Control Act funds we now apply for which require a cash match. Some counties cannot spare even the 10 percent cash match for new programs, and the in-kind provision would give them a chance at funding.

Two-thirds of the formula grant must be spent through programs of local government—unless the State alone operates juvenile justice and delinquency prevention programs—and no less than 75 percent of the funds shall be used for advanced techniques in developing, maintaining and expanding programs and services to prevent delinquency, to divert juveniles from the juvenile-justice system, and to provide community-based alternatives to detention and correction facilities. The act defines those alternatives, and it sounds to us in the counties like the kind of shelter and services we would like to offer youth in trouble: "A small, open group home or other suitable place located near the juvenile's home or family, and programs of community participation in the planning, operation, and evaluation of their programs of community supervision and service which maintain community and consumer programs which may include, but are not limited to, medical, counseling, alcoholism treatment, drug treatment, and other rehabilitative services."

The act details advanced techniques, including subsidy to local government to keep children at home in the community rather than in correction institutions, educational programs, youth service bureaus, and other mechanisms for providing intake and referral services, and support for youth-initiated services. This is the kind of Federal leadership we seek.

In addition, discretionary grant moneys are available for public and private agencies to initiate "special emphasis" programs. We think these grant moneys will provide for the kind of experimentation and evaluation effort we cannot always undertake with tight property-tax moneys. We hope to see imaginative use of these moneys that will help us find ways to increase community capacity to meet the needs of youth.

But where is the \$75 million for fiscal 1975? The \$125 million for fiscal 1976? Is there any chance we will see the \$150 million for fiscal 1977? What we have now is a tiny program—\$8 million—put together with left-over discretionary moneys under the Crime Control Act to deinstitutionalize status offenders. But what will we do with status offenders if we have not planned, coordinated, and instituted adequate alternatives? The Juvenile Justice and Delinquency Prevention Act calls for a plan to achieve deinstitutionalization of status offenders, and offers real support for the alternatives a community will have to have in place before deinstitutionalization can succeed.

Under Title III—The Runaway Youth Act, we have a \$5 million program at HEW. That agency had 400 letters of request before they had written grant-application materials.

We understand LEAA has asked for permission to reprogram some of the unspent dollars that revert from the States to achieve other selected purposes of the act, and we understand permission has been denied. But even if LEAA could wrangle the highest figure of reverted funds we've seen quoted—\$5 million—they could not achieve the purposes stated in the act.

Nothing short of full funding and energetic administration will do the Congress set out to do by writing and passing the Juvenile Justice and

Delinquency Prevention Act of 1974. The National Association of Counties wishes to take this opportunity to communicate to you the resolution adopted unanimously by our Crime and Public Safety Steering Committee, and approved by our Board of Directors. "NACo affirms the purposes of the act and firmly resolves that funds be appropriated to help local governments solve the problems of juvenile delinquency."

"NACo recommends:

"That supplemental appropriations be provided immediately to institute the act in fiscal 1975.

"That full authorization—\$125 million—be appropriated for fiscal 1976."

PROBLEMS OF COMPETITION BETWEEN AGENCIES

Senator BAYH. One question, I think you might be in a better position to answer than the others, because of the Coordinating Council role. Do you see any problem that might exist by creating jealousies and competition within involved private and public agencies?

Ms. DUMAS. I see that exactly as that. We tried to establish a Youth Services Agency at the county level a year ago, and I chaired a committee which spent 6 months trying to determine the feasibility. And during that time, it did involve public and private agencies. We did during that time find an increasing hardening of public health, mental health, public education, and other agencies towards defending their own little bailiwick, and their own sources of funding. As I say, even within the Coordinating Council, I find this is so; that there is a protective feeling of the various agencies toward their own kinds of programs—the courts, for instance—and I find there is not sufficient advocacy in those groups towards a coordination and strong support for youth services.

Senator BAYH. You are here as a commissioner, representing the county?

Ms. DUMAS. And the National Associations of Counties.

Senator BAYH. You have a wide variety of other interested groups represented here. So at the national level, there has been a recognition. You mentioned your juvenile judge. Now, does the juvenile judge recognize the importance of this kind of program?

Ms. DUMAS. Our juvenile judge recognizes tremendously the importance of this program, and of additional juvenile funding. He and I try to get something like 50 percent of the Coordinating Council's budget put into juvenile programs, realizing that we would be lucky to get the required 30-50 percent.

Senator BAYH. At home, as far as you are concerned, you do not see any problem; you are going to be able to find a way to spend it, to do a job that is generally and favorably recognized in the community.

Ms. DUMAS. You can do a job, and you certainly need to do a job in Wayne County. I see the problems developing. And, I will tell you I would rather the county commissioners spend the money on juvenile programs in preventing juvenile delinquency, and stop these kids before they become members of the adult criminal justice system, because it costs a lot more to build and maintain jails than it does to provide for juvenile programs. Right now, Wayne County

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is under order by a three-judge panel to provide space just for our overflow prisoners—adult prisoners in the Wayne County jail. That is going to cost us \$500,000 just to renovate existing space, and to provide for 1 year's funding. It is going to cost us \$36 million or more if we build a new jail facility, and we believe we may be ordered in the near future.

Senator BAYH. Who has to pay that \$36 million?

Ms. DUMAS. The county would have to pay it from general fund revenues, or by assessing new taxes. The people out there are going to have to pay the money.

Senator BAYH. Mr. O'Neill, of OMB, might note that the same taxpayers are going to pay for that new jail that are going to pay this money designed to try to ultimately create situations where you will not need it.

Ms. DUMAS. Right.

Senator BAYH. Thank you Ms. Dumas.

Mr. Smart?

STATEMENT OF WALTER SMART, EXECUTIVE DIRECTOR, NATIONAL FEDERATION OF SETTLEMENT AND NEIGHBORHOOD CENTERS

Mr. SMART. Mr. Chairman, my name is Walter Smart, executive director of the National Federation of Settlement and Neighborhood Centers. I am particularly pleased to speak on behalf of the National Collaboration for Youth. I will mention those agencies briefly: the Boys Clubs of America, Campfire Girls, Future Homemakers of America, the Girl Scouts of the U.S.A., National Council of YMCAs, the National Jewish Welfare Board, the Boy Scouts of America, the 4-H Club, Girls Clubs of America, the National Board of the YWCA, the National Federation of Settlements, and Rent Cost Youth Service Programs. These combined agencies, or the combined resources of these agencies, make up a formidable system of service delivery which works with the youth in all 50 States of the Union. In 1974, these agencies provided services to more than 30 million youths.

I heard a lot of discussion about the cost of action or inaction. I would briefly like to make a few points about investing judiciously in the lives of some of the youths of many of the communities in which we serve.

I saw the statistics on one of our agencies in Chicago recently, where 85 percent of the youth between the ages of 11 and 14, in one of the youth groups, had court records already. Indeed, it appears in many of the neighborhoods, the children will inevitably become involved with the law, at least by the age of 15. Many of these communities lack resources of almost any description. There is no public recreation in these communities. Many of these areas, their families are broken—85 percent are supported by welfare. There are just no resources at all. The children are being reared in the street.

PREVENTION PROGRAMS PROHIBITED BY SAFE STREETS ACT

Many times, the services of these agencies, part of a national collaboration, are the only positive force within these communities. We have attempted to work collaboratively and cooperatively with public agencies for some time, even before the passage of this new act. We have approached LEAA, for example, at the community level with our first-hand knowledge and experience in dealing with youth, attempting to get their cooperation in providing needed kinds of programs that we think would guarantee success in terms of an alternative direction in the lives of youth. We have been told countless times that that kind of program is prevention, and we are prohibited under the Safe Streets Act from spending that kind of money returned to other parts of government; and we are told that for demonstration purposes, this kind of program can be supported, but not on a continuing basis. Indeed, we wonder where the level of accountability and responsibility would be.

That is why we are so strongly in favor of the Juvenile Justice Delinquency Prevention Act of 1974, with the essential principles that we think are required; such as the Federal leadership, the National Institute, the adequate funding, national standards, community-based preventive and divergent treatment programs, and a private voluntary agency participation. We continue to offer our services to the LEAA, but sadly, to date, it is still after the fact. We have provided regulations after they have been developed for our opponents, and we think that is a little bit late in terms of getting our real inputs into the system.

We have attempted to discern, from various State levels, whether or not any initiative is being taken to implement the act. What we find is that, at least from the feedback we have gotten from our local agencies in those areas, they have made contact with the Governor's office. They have recommended persons they think would most be helpful on a State advisory board. Sometimes, we do not get a response at all. On other occasions, we have been advised that the act has not been funded; therefore, the act does not exist.

The studies by the National Youth Alternative Project also review the same act; that State after State, with the lack of funding, feel that the act simply does not exist.

Let me close by stating our deep appreciation to you, Mr. Chairman, and to others of your subcommittee, for the leadership that you have given in this area. The combined boards of all of these national organizations are deeply concerned. Our national office is receiving an increasing amount of inquiries as to what is really happening with the act.

I will request our prepared statement be inserted in the record.

PREPARED STATEMENT OF WALTER SMART

Mr. Chairman, it is a great pleasure for me to accept your invitation to testify here today on an issue of vital importance to the youth of this country—the implementation of the Juvenile Justice and Delinquency Prevention Act of 1974. I am particularly pleased to speak on behalf of the 12 national youth serving agencies that form the National Collaboration for Youth.

The National Collaboration consists of: Boys' Clubs of America; Camp Fire Girls; Future Homemakers of America; Girls Scouts of the U.S.A.; National Council of YMCAs; National Jewish Welfare Board; Boy Scouts of America; 4-H Clubs; Girls Clubs of America; National Board of YWCAs; National Federation of Settlements; and Red Cross Youth Service Programs.

A total of 30 million young people were served by these organizations in 1974. These are a broad cross-section of this Nation's young people from rural and urban areas from every State in the Union, from all income levels and from all ethnic, racial, religious and social backgrounds. We have the experience of working resources, poor in spirit, poor in opportunity, children who are alienated, children who are troubled, and children who get into trouble.

We have the expertise of 36,000 professional staff, both men and women, who believe in the importance of their work in youth development, who believe in the need to divert children from our outmoded juvenile justice system. This resource of competent, knowledgeable individuals with expertise in working with youth and families is a formidable system of service delivery already available and active in large and small communities, urban centers and rural areas.

We have the services of 4 million volunteers—this is an unusually active resource of uncompensated people power. Voluntarism is a reality—a fundamental facet of national youth serving agencies' organization. One million volunteers serve on national and local boards and committees. This tremendous corps of local community leadership extends into every State of the Nation, providing a wide base of community support and influence.

One of the major reasons behind the formation of the National Collaboration for Youth, which is really a way for National Executives and lay leaders to work together for common goals, was a mutual anxiety about the problem of juvenile delinquency and its prevention. We were well aware that the arrest of juveniles for serious criminal acts has risen 1,600 percent in 20 years. But as voluntary national youth serving organizations, we were concerned both about the quality of our juvenile justice system and the lack of a voice on this issue from those organizations that have the most firsthand experience in working with our Nation's youth. Our agencies, dealing daily with the delinquent and potentially delinquent youth in our society, are aware of the abuses and shortcomings of the way our communities treat juveniles. The Collaboration came together to express its concern that children are frequently rejected by recreational, education and social service systems only to be abandoned to the streets, the courts and ultimately detention and correctional systems. Because of the urgent need to offer more opportunities to young people and to find improved methods of preventing delinquency and of handling youthful offenders, the national voluntary organizations committed themselves to strengthen their efforts and to reform youth services. But it was obvious from the beginning, that effective government action was essential if there was to be any hope of success. And so we pledged our organizations to seek a partnership between the public and private sectors to help children in trouble.

Senator, we were aware from the introduction of your first bill, S. 3126 in early 1972, that your comprehensive approach to the juvenile crime problem was one acceptable to the private agency community. The Collaboration worked with this subcommittee and its staff in 1974 to assure that the bill contained the principles necessary for public/private cooperation in the fight to combat delinquency. From the beginning of our effort, we accepted the responsibility of providing a voice at the National level for experienced youth serving agencies and their constituents, the youth themselves.

The Juvenile Justice and Delinquency Prevention Act of 1974 (Public Law 93-415) as passed, did contain these principles we felt essential: (1) Federal leadership, (2) adequate funding, (3) a National Institute, (4) national standards, (5) community-based prevention, diversion and treatment programs, (6) private voluntary agency participation. The passage of the legislation was a high point in the movement toward a partnership between the government and the private voluntary agencies to improve the quality of justice for juveniles in our communities.

As a result of the work of the Collaboration, each member organization has an increasingly aware membership throughout the United States which understands the importance of implementation of this legislation.

They are aware that the President signed the legislation with an announcement that no new funding would be requested for its implementation. The President's budget requests no funds for 1976. Our members realize that new funds are essential if this new law is to be implemented in the States.

Even though the Law Enforcement Assistance Administration is required to maintain its 1972 level of financial assistance for juvenile delinquency programs at \$140 million, there is no system of monitoring such expenditures until after the fact. The proposed cuts in LEAA's 1976 budget, combined with existing LEAA commitments, make delinquency expenditures extremely vulnerable. But even if games were not being played with juvenile justice funding, new appropriations for the Juvenile Justice Act would be essential because sufficient local funds from public and private sources are not available to support community-based programs for juveniles.

My organization, the National Federation of Settlements and Neighborhood Centers, operates in poverty areas where families are concerned about programs which could divert from the juvenile justice system their children who are always at risk. These communities have seen cutbacks in worthwhile proven programs. These communities do not need any more models or demonstrations. They have seen all too often that Federal demonstration programs do not last. Unfortunately, the on-again, off-again nature of Federal programs reinforces the antisocial attitudes of youth. These communities need funding from the Federal Government for programs such as those operated by settlements and neighborhood centers which have a demonstrated capacity to serve youth in their own communities.

Support for just such programs was envisioned by the Juvenile Justice and Delinquency Prevention Act. Adequate appropriations are vital to the effective implementation of this act.

We cannot overemphasize the importance of funding this legislation, particularly the mandatory provisions, because only with effective funding will implementation be assured. Nevertheless, there are other steps that can be taken to carry out the Juvenile Justice and Delinquency Prevention Act. One part of the legislation amends the Omnibus Crime Control and Safe Streets Act to provide for representatives of private agencies on State supervisory boards and regional planning units. Implementation of this provision does not cost money and LEAA could provide leadership in this regard immediately. As you know, the placement of representatives concerned with the prevention of juvenile delinquency on the State planning agency is vital to insuring the development of the public/private partnership indispensable to effective prevention programming. Up to the present time, LEAA in general has had minimal contact with private groups and frequently that contact is only to inform them of decisions already made. The reality is that LEAA needs to provide for effective communication with private agencies throughout its organization.

One central goal of the Juvenile Justice and Delinquency Prevention Act was to create responsible national leadership to replace the present fragmented Federal efforts. It is a basic belief of the Collaboration that delinquency prevention and juvenile justice reform are national concerns. Change can be brought about only by effective Federal leadership impacting on all levels of government and providing direction to the multiple public and private delinquency programs. It is deeply regretted by the members of the Collaboration that LEAA has already lost the momentum that comes with the passage of a bill.

Private agencies wishing to participate in this new program have had to devote the major portion of their time to trying to find correct channels and appropriate procedures for such participation, rather than LEAA exercising leadership to bring these agencies into the program.

Another obvious example of inaction is the failure to appoint an Assistant Administrator to head a new Office of Juvenile Justice and Delinquency Prevention. This office has, by virtue of the new act, policy control not only of the programs under the act, but of all programs concerned with juvenile delinquency administered by LEAA under the Omnibus Crime Control and Safe Streets Act. LEAA is no different from any bureaucracy and this office will not be able to assume policy direction of all LEAA juvenile delinquency programs until an Assistant Administrator is appointed. That appointment

would signal the bureaucracy that LEAA seriously intends to carry out the mandate of the act. Certainly, focusing policy control in one office is a major aspect of the effort to strengthen Federal leadership in the field of delinquency prevention. It is important to emphasize that the Acting Assistant Administrator, Mr. Frederick Nader, and his small, hard working staff are doing the best they can under the circumstances.

These are examples of the lack of action toward implementation of the new Juvenile Justice and Delinquency Prevention Act.

Before leaving the question of implementation, I want to express the gratification of the Collaboration at the appointment of its Chairman, William R. Bricker of the Boys' Club of America, to the National Advisory Committee on Juvenile Justice and Delinquency Prevention. While the appointment of the National Advisory Committee was delayed months after the required timing of the act, it is certainly a step in the right direction. We hope that this appointment reflects an understanding by LEAA of the importance of the role of the national youth-serving organizations in the implementation of the act. We also hope that it is the first of many formal and informal relationships of the Collaboration with LEAA to help carry out the goals of this legislation.

There cannot be the slightest doubt that the intent of Congress in passing the new legislation was to make the prevention of delinquency a National priority of the Federal Government and specifically LEAA. To this end, Section 541(a) of Public Law 93-415 specifically amended the Safe Streets Act to provide that:

"It is therefore the further declared policy of Congress to provide the necessary resources, leadership, and coordination to (1) develop and implement effective methods of preventing and reducing juvenile delinquency (2) to develop and conduct effective programs to prevent delinquency, to divert juveniles from the traditional juvenile justice system and to provide critically needed alternatives to institutionalization * * *"

Witness after witness before this subcommittee testified to the lack of attention of the State, local and National Government to the prevention of delinquency. Private agencies and communities are frustrated that there are so few facilities for young people until after they became involved in the juvenile justice system. We know that it is equally frustrating for those involved in the administration of juvenile justice that there are so few alternatives available within the system. The Collaboration wholeheartedly supports the goal of this law to provide alternatives at the community level before the child gets in trouble with the law—in short, the prevention of juvenile delinquency.

In all discussions of prevention, it is important to emphasize that private agencies can establish a trust relationship with young people that is often impossible for governmental agencies. We can undertake outreach and other flexible programs involving volunteers that simply are impossible for most governmental programs. We are already spending tens of millions of dollars privately raised each year on programs to prevent delinquency. But to meet the needs of these times, we must work with Federal leadership and funds to provide services adequate to the growing need. The act must be implemented so that LEAA will be required to move strongly into prevention programs.

The lack of implementation of the Juvenile Justice and Delinquency Prevention Act is a tragically familiar story. In 1968, Congress passed the Juvenile Delinquency Prevention and Control Act, giving HEW primary responsibility for national leadership in developing new approaches to the problems of juvenile crime. The 1968 Act provided for a broad spectrum of preventive and rehabilitative services to delinquent and pre-delinquent youth. HEW ultimately failed to meet its broad mandate due to lack of sufficient appropriations and lack of effective administration, particularly lack of support from the Department. The HEW program also suffered from the dominance of LEAA in the criminal and juvenile justice field. We understand that one of the reasons for placing the new act in LEAA was to focus all juvenile justice programs in one place. It would be tragic if the same ineffective program has simply been transferred from HEW to LEAA. But our hopes for the LEAA program remain high. We believe the work of members

of this subcommittee to obtain adequate funding and to provide continued leadership will insure action.

We respected the bipartisan effort which culminated in the passage of this legislation. We know your dedication and we are confident that you will stay with the fight for effective implementation. We want you to know that the national youth serving organizations are committed to continuing the fight to improve the quality of juvenile justice for young people.

We recognize that we have an important role to play in increasing the awareness of our members and the public of the importance of delinquency prevention. But we also want to use the structure of national private organizations, each with its network of local affiliates, to marshal local resources for juvenile justice. We want to see that local affiliates are guided through the maze of procedures and processes which should culminate in locally planned grassroots services for youth. We promise that we will continue to do as much as we can on our own, but we need the resources and leadership of the Federal Government to fulfill our potential in developing community programs for youth.

The Collaboration is committed to giving this subcommittee the continued benefit of our years of experience in working with youth. We are equally committed to working with LEAA to form a partnership between the Government and the private voluntary agencies because we believe that private nonprofit agencies have a unique role to play in providing services to troubled youth.

Finally, the Collaboration recognizes that the passage of the legislation was only a small first step and that there is a long way to go to assure the effective implementation of this Act.

We are here to fight for justice for juveniles this year, next year and for the foreseeable future. The battle for justice for children is far from won.

Senator BAYH. Thank you, Mr. Smart.

I think your presence recognizes the broad citizen interest in this. The groups that you mentioned deal primarily in a voluntary way with, as you point out, 30 million people. That citizen interest is expressed in passage of this bill, and hopefully it will now again, be felt in its entirety.

Mr. Mayor, we appreciate how busy you are. You came here at significant inconvenience. You have a plane to catch. I apologize for the delay. We are anxious to hear what you have to say.

Mayor MALONEY. Thank you, Mr. Chairman.

STATEMENT OF HON. THOMAS MALONEY, MAYOR, CITY OF WILMINGTON, DEL.; REPRESENTING THE NATIONAL LEAGUE OF CITIES, AND U.S. CONFERENCE OF MAYORS

Mayor MALONEY. I would like to thank you for extending to me and my fellow mayors the opportunity to testify on the problems of juvenile delinquency in our cities. On behalf of the U.S. Conference of Mayors, and the National League of Cities I would like to commend the Congress for its overwhelming passage of the Juvenile Delinquency Prevention Act of 1974. It is a difficult task for Congress to comprehensively deal with the questions of juvenile delinquency. The bill is well written and addresses the main issues of juvenile delinquency. I am hopeful that this piece of legislation will pave the way for more comprehensive approaches to legislation in other criminal justice areas.

Juvenile delinquency cuts across the fences from truancy to murder, and one important factor which seemed apparent in the recently enacted juvenile delinquency legislation was the distinction of the Congress between status offenses and criminal offenses. Without a doubt, the most serious in my own city, Wilmington, Del., over the past 3 years has been the tremendous rise in the number of juveniles committing serious offenses. In 1974, juveniles accounted for 54 percent of all arrests for part I crimes in Wilmington, an increase from 34 percent in 1973. Further, the actual number of juvenile arrests for part I offenses increased 308 percent, from 610 arrests in 1972 to 1,880 in 1974.

I would like to insert in the record a chart¹ which graphically depicts the overrepresentation of juveniles in the commission of crimes in the areas of robbery, burglary, larceny, and auto theft.

Perhaps more shocking, though, than the overall general crime rate is the fact that juveniles are becoming involved in serious crimes at an earlier age each year. For example, official police records in my city show that youths 14 years old and under are most apt to be involved in youth crimes such as auto theft, larceny, and burglary.²

In Wilmington, as in every other city around the United States, robbery has become a young man's crime. Of the persons arrested for robbery in Wilmington in 1973 88 percent were under 25 years of age, with 64 percent being under 19 years old. The median age of robbery defendants decreased dramatically from 20.5 years in 1972 to 17.5 years in 1973.

It is not my intention to bore the subcommittee with statistics, but these numbers are a startling reflection of the significance of juvenile delinquency problems. Tragically, 68 percent of all persons arrested in Wilmington in 1974 were juveniles. Each year, these offenders appear to be getting younger, and the programs for preventing juvenile delinquency seem to undergo drastic cuts in the Federal appropriation process.

I am also offering for insertion into the record data³ showing the 1973 offender age breakdown for robbery and burglary in the city of Wilmington. Only one offender for each crime was included in this chart so as not to bias any age category. According to my fellow mayors this data can be replicated in any of the Nation's cities.

Auto theft continues to be a juvenile crime problem in Wilmington. In 1974, 76 percent of those arrests for auto theft were juveniles. Most were too young to have a driver's license. National studies show that these youngsters and the stolen autos are more likely to become involved in accidents, often fatal, than are licensed and experienced drivers. Thus, unchecked juvenile delinquency creates a severe safety hazard to both the youthful driver and the public.

MOST SERIOUS CRIME PROBLEM INVOLVES YOUTH

Mr. Chairman, many of my fellow mayors feel that the level of juvenile delinquency activity can have a large impact on the viability

¹ See Chart I, p. 157.

² See Chart II, p. 158.

³ See Charts III and IV, pp. 158, 159.

of our cities as places to live, work, and visit. In Wilmington, for example, we have undergone many positive changes in the quality of life during the past 2 years. Our successes in many projects, however, has depended upon our ability to control our crime rate. Often, we are governed by citizen perceptions of crime. Recently conducted community surveys show that the overwhelming majority of people felt the most serious crime problems are those of robbery and burglary involving the youth of our cities.

The National Advisory Commission on Criminal Justice Standards and Goals also recognizes the high correlation between serious crimes and juvenile delinquency when it identified the prevention of juvenile delinquency as the most important factor in reducing crime.

I have spent most of my testimony speaking on the involvement of juveniles in serious crime because it is a major problem in Wilmington. However, in order to begin solving the problems of juvenile involvement in serious crime, we must do something about the tremendous legal bottlenecks and the volume of juveniles being processed by the criminal justice system. Provisions in the Juvenile Delinquency Prevention Act recognize the need for separate treatment programs and facilities for status offenders and criminal offenders. Mayors feel that diversion programs will help eliminate much of the volume presently crippling our juvenile courts. Thus, more attention can be given to utilizing criminal justice resources to combat the rise in serious offenses created by the more hard-core repeat offenders.

To the serious criminal offender, there must also be programs which will constructively use after school and summer idle time of our young people. In my own city, again, we presently have an unemployment level of 16.2 percent for the month of March. With even the most optimistic predictions and some Federal assistance from the Department of Labor, only one in four juveniles will obtain a job for more than 10 hours a week this summer. We need not remind ourselves of the potential dangers of idle youth witnessed during the 1960's.

Some States, however, are attempting to exhaust all potential resources to expand juvenile delinquency programs. The State of Delaware through its recently appointed Juvenile Justice Legislation Committee will begin dealing with the questions of separate housing facilities for juvenile status and criminal offenders. These efforts, too, require financial support if they are to serve the purpose for which they were intended in the Juvenile Delinquency Prevention Act. The Congress has succeeded through this important piece of legislation in motivating cities and States to begin discussing and planning massive changes in the institutional structure of the treatment of juveniles. We need your continuing support, however, lest the local response will be short lived for we cannot, without significant appropriations, continue this increase in local planning and programing for juvenile delinquents. The approximately \$8 million

which apparently will be made available through Law Enforcement Assistance Administration discretionary funds is woefully insufficient for a nationwide program and can only be spent on projects which conform to the Safe Streets Act and its amendments. At a time of rising unemployment and other social woes facing our cities, the mayors feel that it is a bad policy to create rising expectations vis-a-vis authorization and failure to deliver, through appropriations, the necessary funding for such programs.

Based on the problems I have outlined which we face in Wilmington and other cities throughout the country, I am hopeful that Congress and the administration will recognize the importance of fully funding the Juvenile Delinquency Prevention and Treatment Act of 1974, authorized at a level of \$350 million over a 3-year period.

Nothing can be more important to the mayors and the cities than exhausting the potential for comprehensive planning of juvenile delinquency programs afforded in the legislation. Without continuous funding, which was requested in the bill, the potential can never be fully exploited.

We need your help to insure coordinated and consistent programming that is based on long-range systematic planning and research. When left to worry about year-to-year funding, little actual time is spent on programming, and too much is spent on worrying about where the next dollar is coming from.

Thank you, Mr. Chairman.

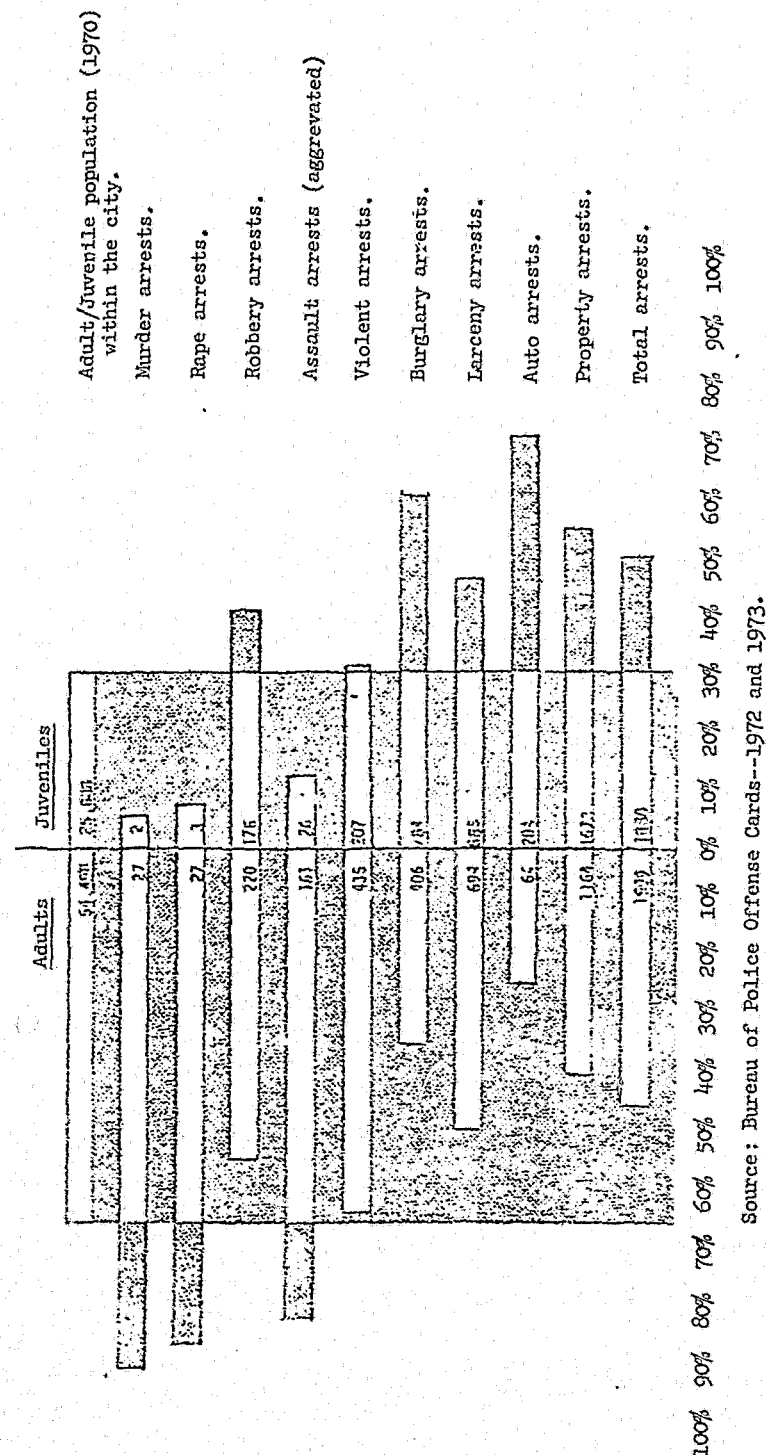
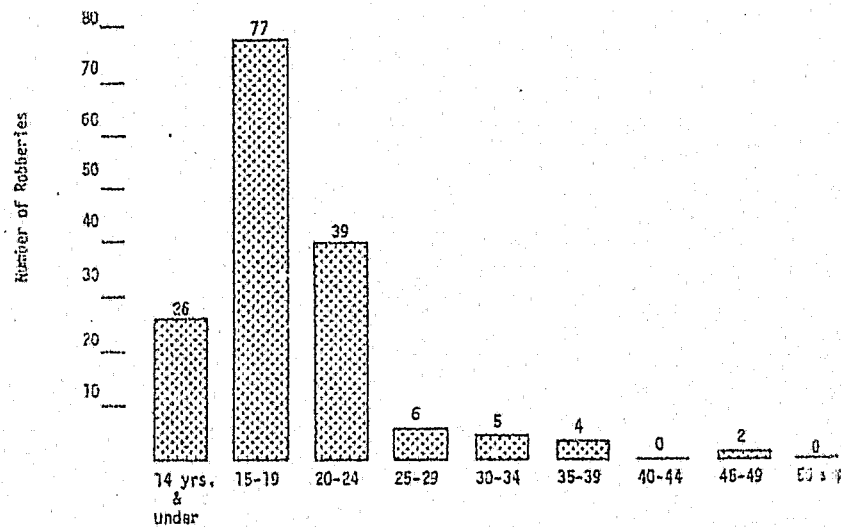


CHART I.—Comparison of adult and juvenile arrests for index offenses—city of Wilmington, Del.—1974.

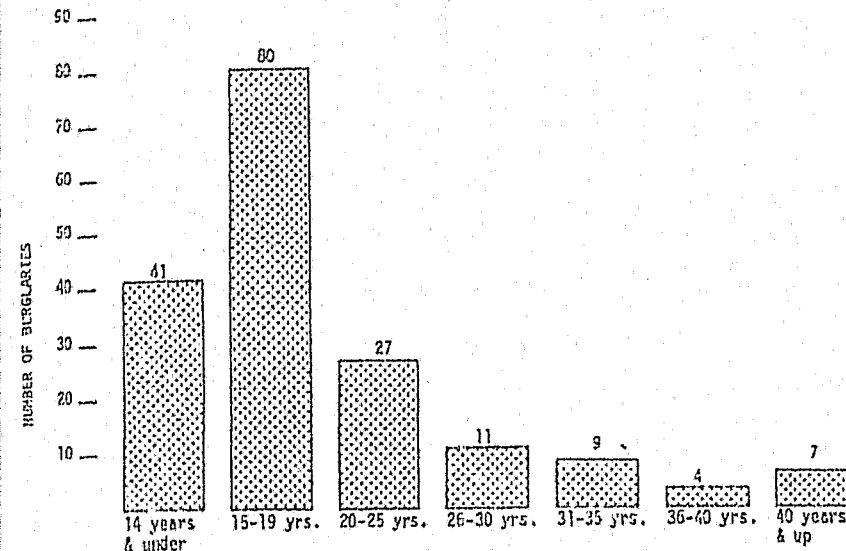
AGES				Crime
10 & Under	11 - 12	13 - 14	Total	
0	13	34	47	Runaways.
0	3	7	10	Disorderly conduct.
0	1	1	2	Sex offense (except forcible rape and prostitution).
0	2	6	8	Weapons--carrying, possessing, etc.
0	0	5	5	Stolen property--buying, receiving, possessing.
0	0	1	1	Fraud.
0	2	14	16	Other assaults.
0	1	28	29	Auto thefts.
22	33	101	156	Larceny, theft (except auto theft).
44	72	129	245	Burglary--breaking or entering.
0	0	1	1	Aggravated assault.
4	10	17	31	Robbery.
70	137	344	541	TOTALS

CHART II.—Crimes committed by juveniles under age 14, Wilmington, Del.



SOURCE: Bureau of Police, 1973-Incident Reports

CHART III.—Offender age—Wilmington, Del., robberies: 1973



SOURCE: Bureau of Police, 1973 Incident Reports

CHART IV.—Age of burglary offender—Wilmington, Del.—1973.

Senator BAYH. Thank you, Mayor Maloney.

I know you are going to have to catch a plane. Let me just ask you a couple of quick questions.

Are the babies born in Wilmington meaner now than they were 10 years ago?

Mayor MALONEY. I doubt it. They have better health care now. Probably they should be happier.

Senator BAYH. I think it is fair to assume that the genes in newly born babies today are no different than when you and I breathed our first breaths. Is that not a fair assessment?

Mayor MALONEY. I would suspect that is true.

Senator BAYH. Perhaps society's response to them as they grow up is at least part of the problem. Only one in four young people in Wilmington will have 10 hours of employment this summer. That clearly has some relationship to it. What was your unemployment—16 percent?

Mayor MALONEY. Our unemployment for March was 16.2 percent.

Senator BAYH. That kind of statistic is quite a commentary.

Mayor MALONEY. Also, that is not counting the children that will be out of school this summer.

Senator BAYH. Those figures concern us, maybe even frighten us; they do not bore us as statistics. But Wilmington is not unique among our large cities.

Let me ask you another question, I think you are in an excellent position to answer. Is it possible for those of us who are concerned about solving problems to deal equitably, but forcefully, with the

professional crime; and yet handle the masses of would-be or could-be professional criminals on the other hand in such a way that they do not get to that state, could we do it in a way that is politically acceptable?

You hear all these people responding to the concern that parents have and homeowners have, that businessmen would have had, in terms of response to some of the atrocities, which, I think we need to respond to. But on the other hand, is it possible for us to use a program like this Juvenile Justice Act to deal with the prevention end of it without giving the impression that we are in favor of mollycoddling the people who prey on society? Can we meet that test?

PEOPLE DON'T REALIZE COST OF CRIME

Mayor MALONEY. I think one of the biggest problems in the whole criminal justice area has been that we have not been able to adequately define it to the public in economic terms. If the public were more aware of how much it is costing them to suffer the problems of rising crime; and how much the benefit would be accruing to them of spending a little more money to cut down on these kinds of forced changes in their lifestyle and their ability to enjoy a good life, I think you would find a great support from the public. Not just for stronger enforcement in the sense of more police protection, but in better correctional systems. That would be sure to make better citizens out of the individuals that were getting caught in the system.

But I think we have not defined it purely in the economic terms that most people like to hear, as far as justifying the program. I think some of the figures were coming out this morning with your discussion with Mr. O'Neill. But people do not realize how much it costs to have crime, and how much it costs them not to be able to walk down the street. The retail areas of your cities suffer. People cannot enjoy parks, and the cost of materials and retail goods go up because of tremendous amounts of shoplifting. People are not willing to spend money in recreational areas; and, because of the fear of robberies and burglaries people are afraid to leave their homes. All of those kinds of things could certainly be measured by some good economist.

If those pictures were painted clearly to the public of how much it is costing them to pay for increasing crime in the court systems, probation officers, the prisons, I think they would be more willing to spend greater amounts. In fact, in the long run it would probably be a lot cheaper for them. They would actually be saving taxpayer dollars by concentrating on these programs.

So the answer to your question is. "Yes."

Senator BAYH. I think, sometimes, we look to where we would like to be, but we are never going to get there unless we realize where we are. And today's society is going to have to bear some cost to move to where we want to be from where we are. Perhaps the cost of providing some of those boys and girls in Wilmington summer jobs, or recreational opportunities, is preferable to the cost of a car

theft or shoplifting that you relate it to. Does that make sense?

Mayor MALONEY. That sure does.

Senator BAYH. Thank you very much for being with us. I know how busy you are.

Mayor MALONEY. Thank you, Senator.

Senator BAYH. Ms. Rothman, thank you very much for being with us. I am sorry it has taken so long.

STATEMENT OF FLORA ROTHMAN, CHAIRWOMAN, TASK FORCE ON JUVENILE JUSTICE, NATIONAL COUNCIL OF JEWISH WOMEN

Ms. ROTHMAN. I am Flora Rothman, a member of the National Board and Chairwoman of the Justice for Children Task Force of the National Council of Jewish Women, and I do welcome this opportunity.

When the Juvenile Justice and Delinquency Prevention Act was signed into law last September, it was a milestone in years of effort by members of your subcommittee, particularly yourself; but also to many of us in the community, who for those years had tried very hard to get people to understand the need for that piece of legislation. We felt that it really represented Congress' intention to establish a comprehensive and coordinated approach to the problems of juvenile crime, and to the underlying needs of youth.

Our program started with a study. We had thousands of our members going out in their own communities around the country to take a look at the juvenile justice system there, to see what happens to children in their own towns and States. One of the things that really struck us quite early in our study, as we were preparing the basic resource material, was how many recommendations had been made by national commissions and respected authorities year after year, iterated and reiterated, and never implemented.

When the question arose earlier today about what kind of evidence do you have that your approaches would work, I think that some of the people who were involved in making that decision ought to have an opportunity to read some of these reports of the President's Crime Commission in 1967, the National Advisory Commission, and see how many times these recommendations have been made. Also, how many really top-level people in the field recognize these as possible solutions when our traditional system is failing.

The results of our studies around the country are discussed in the book, "Children Without Justice," a report by the National Council of Jewish Women. The things that the women found in their study were the kinds of problems that you address in the act: The treatment of status offenders, the lack of residential facilities that forces kids into detention centers, and sometimes even jails, simply because they need someplace else to sleep rather than home; the lack of appropriate services within our communities, and certainly the lack of coordination of those services that do exist.

These are the failures of the system that I thought you had tried to convey earlier today. These women, who represent for the most part middle-class, urban-suburban, taxpayer-type citizens were very unhappy with what they saw; and began engaging not only in serv-

ices, but in some attempts to change systems—in many cases, with other organizations and groups, as well as with public agencies. And so, we were very optimistic by the sorts of things that were promised in the Juvenile Justice Act.

We were not the only ones with optimism. I would just like to mention one story that is recorded in the book. While the action on the bill was pending, Representatives Hawkins and Bell visited a group home administered by our Los Angeles section. Afterwards, one of the girls who was a resident of that home wrote: "When the Congressmen and their aides were here, I felt very important, because if the bill really does get passed, and they are able to get more homes set up like this, it will really be good for kids who need it *** I think it is really nice that somebody in this world cares enough to do this sort of thing."

INTANGIBLE BENEFITS ARE YOUTHS' LIVES

I think that that sort of thing ought to concern us as much as the funding, as much as the cost benefit. These are lives, and I think lives are very hard to tally on a balance sheet, and they are extraordinarily important. You and your congressional colleagues obviously do care enough. But caring is not always enough, and this is where we run into problems. There have to be resources. Our experience has been similar to a couple of the earlier speakers, in that the reports that we have gotten from the various parts of the country indicate that State implementation—both in terms of supervisory and advisory appointments, and in planning—have been almost negligible. Without the inducement of new funding, many States have shown little inclination to change their customary methods and priorities.

At the same time, you have heard of the escalation of the need. Joblessness among teenagers—the estimates vary; they have estimates among some populations of over 60 percent. But there is strong feeling, especially when one realizes what the shortcomings are in official unemployment statistics, but it is probably close to 50 percent.

Your recent hearings on crime in the schools indicated that vandalism of school property costs localities about as much as is spent on textbooks; and that almost a quarter of the children who were discussed at that hearing do not graduate from high school. Then, too, we have the increased problem of violent and serious juvenile crime. Certainly, none of these things mitigate our concern that this act must be implemented effectively. We urge your continued efforts to secure the full funding you and your colleagues would deem necessary to address these problems. Let us, together, try to convince the people in high places that they, too, understand this need. Let us give the act the chance it deserves, lest it be another addition to the pile of juvenile justice recommendations proposed but never practiced. Thank you.

Senator BAYH. Thank you very much, Ms. Rothman. I cannot adequately express my appreciation to you and to the members of your organization who have been out there along with these other volunteer organizations, helping to create the environment in which we could get this measure passed. As you recall, when we started

there were those who said this was a "pie in the sky," too idealistic hope. They said we could never confront some of the established ways of doing things, and get it passed. We have done that. Now, let us show that with that same kind of resolve, we can get it funded and implemented.

We have seen some movement, but we are a long way from getting it done. We are going to need your help.

Ms. ROTHMAN. We have been working on it, and we are willing to work harder.

CONCERNED VOLUNTEERS CREATE CHAIN REACTION

Senator BAYH. I know you have. Mr. Smart and millions of volunteer people out there who are concerned are indispensable in making those who would otherwise assess juvenile crime prevention as a low priority, reconsider their assessment. It seems to me, when you look at the volunteer help that you and Mr. Smart's collaboration utilize, we really multiply the investment needed for the program; and make it possible for men and women who really do not want a salary to make a contribution toward helping children in trouble. Thus, we have a chain reaction, the effect of these tax dollars, and your efforts as well as the reaction we have on boys and girls at an age when it is still possible to reach them.

Ms. ROTHMAN. I think we have done it, as I am sure the other organizations whom Mr. Smart represents, because these kids are part of our communities, and we cannot cut ourselves off from them any more than they have been able to from us.

Senator BAYH. I certainly appreciate that. It is hard to single out one group, because there have been so many that have been helpful in obtaining passage of the act.

Judge Healey.

STATEMENT OF HON. EDWARD V. HEALEY, JR., ASSOCIATE JUSTICE, RHODE ISLAND FAMILY COURT

Judge HEALEY. Mr. Chairman, I am Edward V. Healey, Jr. I am an associate justice of the Family Court of Rhode Island. In addition, I am the president of the National Council of Juvenile Court Judges, and chairman of the National Juvenile Court Judges Foundation, and presently acting chairman of the new Nevada corporation called the National Council of Juvenile Court Judges, Inc. And I make these statements because I must disclaim I am representing any of those groups today, because we have 501(c)(3) status, and there is some question about an organization such as ours lobbying as an organization. But I am here to speak as a family court judge, and an intimate of judges all over the country.

I thank you for the opportunity to appear before you to discuss the initiatives taken today to implement the Juvenile Justice and Delinquency Prevention Act, as well as the additional steps necessary to meet this congressional mandate.

Senator BAYH. Before you proceed, let the record show that private citizen Edward V. Healey is here representing himself and other concerned citizens.

Judge HEALEY. I just want that on the record, you understand. I would hate for the IRS to suddenly knock on our door.

Senator BAYH. For reasons we will not go into here, I think your present professional and official status, plus your past friendships, means that you have a louder voice than just a normal citizen in determining the direction that this program may take.

Judge HEALEY. I probably have met about 1,000 judges in the United States in the last 2 years, and have spoken to them about the problem, Senator.

Mr. Chairman, members of the Subcommittee To Investigate Juvenile Delinquency, I thank you for this opportunity to appear before you to discuss the initiative taken, to date, to implement the Juvenile Justice and Delinquency Prevention Act of 1974—Public Law 93-415—as well as additional steps necessary to meet this congressional mandate.

First, may I commend the Members of Congress for their action in passing this much needed legislation and particularly the Chairman for his diligence and persuasiveness in shepherding this act through Congress.

I come before you as a judge who has served in the juvenile justice system for 15 years, as a father of nine children, as an interested citizen. For the last 15 years I have shared with my fellow judges throughout the United States a deep and abiding feeling for children in trouble, a concern for all young people in or out of the juvenile justice system, but most importantly, a concern for my fellow citizens and for this country of my birth, the United States of America.

When I first became a judge, I came in filled with fire and brimstone. The feeling of the general public in Rhode Island, which I shared, was that the juvenile justice system was "mollycoddling these wise little punks." I echoed the sentiments that "a heavy hand," "a little time in the lock-up" would solve all the problems. It was and is today a simplistic approach to a complex problem.

I was raised in a poor section of Providence—today it would be called a "ghetto"—came up the hard way.

I subscribed to the so-called "work ethic" and was not about to allow a handful of malcontents to take over—but I had a rude awakening shortly after I ascended the bench.

In Rhode Island, children placed in the training school are released only upon approval of the judge. The training school submits a report recommending discharge which the judge reviews and accepts or rejects. One day I received such a recommendation and when I read the boy's history, I thought it was a "put-on". I insisted on the facts being reviewed and to my chagrin, I found them to be true. This young man had been placed in the training school 2 years earlier and had grown to like it. It was feared by the authorities that he was becoming "over-institutionalized" and thus they were suggesting his release. But the facts that overwhelmed me were these—he was one of 21 illegitimate children and had lived in the center of Providence for most of his early years in an abandoned streetcar.

Since that time I have had many, many cases where the social history pointed up graphically that not everybody in these United

States has even the basic necessities of life. I could recount many horror stories but I'm sure that this committee has heard these tales before.

NEED BETTER SYSTEM FOR JUVENILES

Since that humbling experience, I, in the same manner as juvenile court judges across the country, have tried to overcome public apathy, to improve our resources, to encourage community response, to excite our lawmakers, to point out to one and all the need—the crying need—for a better system to handle our young people who are in trouble.

I must confess—it has not been an easy sell—while there are some areas which have responded—the Nation as a whole has failed miserably. Like many in the juvenile system, juvenile court judges have been as "game fish swimming upstream."

We have been excoriated and defamed by friend and foe alike—police, social workers, law and order types, libertarians, appellate courts, legislators, the news media—I personally have been called everything, so that, now, anything sounds familiar. Our silent credo has been "we shall overcome," but it was a forlorn hope until the Congress of the United States became interested. It was then that we saw the light at the end of the tunnel—for it is the considered opinion of judges from every State in the Union, to whom I have spoken, that, without a massive dose of Federal support—legislatively and financially, without a concerted, coordinated and centralized effort—only the Federal Government can direct and orchestrate—our feeble efforts would be in vain.

Senator BAYH. Excuse me for interrupting. I have just received an emergency phone call.

Meanwhile, please continue. Let the record show that Mr. Rector, our chief counsel, will proceed with the hearing by acting in my capacity.

Judge HEALEY. We saw the system of juvenile justice envisioned three score and ten years ago reverting back to a junior criminal justice system—we saw young people being sacrificed to salve the public's feeling—we saw a system based upon charity and understanding in the Judaeo-Christian concept, reverting to the outmoded and barbaric rule, "an eye for an eye and a tooth for a tooth."

And so it was not to raid the public treasury, not to protect a sinecure nor to maintain a private fiefdom, that judges rallied to support the passage of the Juvenile Justice and Delinquency Prevention Act of 1974, but rather to assure that future generations of children will not be physically neglected, medically neglected, educationally neglected, morally neglected, physically abused, sexually abused and most importantly, neglected by their community, State and country.

Now, we are not unaware that our country is faced with many major problems—the recession; the collapse of our Asian policy; the Mid-East; the energy shortage; water shortage; the peril from recognized adversaries. We are not unaware of the fiscal problems of our national government, but we do find it difficult to understand the failure to fully and completely implement Public Law 93-415.

Seventy-five million dollars . . . \$125 million . . . \$150 million . . . These amounts boggled my mind until I realized that the total cost to implement this act for 3 years amounts to approximately \$1.75 per person in the United States—\$1.75 per person to take steps to assure that:

1. People, young and old, can walk the streets in the cities and in their neighborhoods without the fear of being assaulted, mugged, robbed, raped, and murdered.
2. People, young and old, can sleep peaceably in their homes without being burglarized and pillaged.
3. Businessmen can operate stores and not armed camps.
4. Children can attend school and not be assaulted, robbed and extorted from.
5. Taxpayers can put their tax dollars into improvement of our educational system rather than paying the overwhelming costs of vandalism.
6. Teachers can get down to the business of teaching and leave policing to law enforcement agencies.
7. Children, whose liberty must be impressed, can be put into a system that will, in fact, habilitate them.
8. Children suffering from learning disabilities, retardation, emotional disturbance, autism, physical abuse, mental illness will be guaranteed the treatment they need and not be treated as criminals.
9. Every training school in the Nation will train and habilitate, not punish and destroy.
10. That prevention will be the hallmark of the system.

Public Law 93-415 has been ably and expertly drawn—its findings cannot be contradicted.

No juvenile court in the Nation today is adequately nor sufficiently staffed to meet its obligations under State statutes relating to the handling of juvenile offenders. Funds for this purpose are increasingly difficult to secure at the local, county, and State level in view of the pressures of other fiscal demands and the current inflation-recession crisis.

Most juvenile courts, attendant staffs, and related programs are poorly or inadequately housed. The facility needs alone, are tremendous nationwide. Thousands of children, for example, are being detained in jails for lack of more appropriate housing. A comprehensive survey of courtrooms and chambers available to judges in Ohio last year, for example, revealed gross inadequacies.

CHILDREN "LOST IN THE SHUFFLE"

The problems of abandoned and neglected children and the dearth of resources for them is highlighted by the preliminary findings of a program called "Children in Placement" in which the National Council of Juvenile Court Judges is sponsoring. In Rhode Island we have discovered in our initial survey about 75 children who have been "lost in the shuffle."

Programs conducted in public education systems designed to keep children in schools during suspensions and expulsions are extremely limited and little is known of the success or failure of these programs.

Drug abuse is still a highly significant item in the intake rolls of juvenile courts. Alcohol use and abuse is becoming a serious problem, and if continued at its present pace we can reasonably expect that in 5 years one out of every ten young people will be an alcoholic. Technical assistance to juvenile courts of a truly helpful nature is very limited in scope and availability.

Training at the national, regional, and local level is restricted and extremely limited for juvenile justice personnel.

Statistical reporting is currently poorly administered at the national level. No one truly knows the extent of delinquency and neglect in this Nation.

Very little valid research is being done in the area of delinquency causation.

There is no general consistency of statutes dealing with juvenile offenders, neglected, abused, and abandoned children in this Nation.

The foregoing are but some of the failures in the national effort to reduce, control, and prevent the confrontation between youngsters and the law. The Juvenile Justice and Delinquency Prevention Act of 1974 speaks to each of these under title I. Yet there is a relative paucity of Federal resources being directed toward such issues.

The current staff of the "acting" Office of Juvenile Justice in the Law Enforcement Assistance Administration consists of a handful of well-meaning, highly motivated people—at last count numbering eight—attempting to cope with a problem of severe complexity and magnitude without financial resources. The one major program developed by this office thus far—8 months subsequent to passage of the act—is a solicitation for \$8.5 millions in grants to secure the removal of so-called status offenders from institutions. Very little has been done or even planned in the other areas mentioned in title I, and some concerns, such as training, are completely neglected.

To date, the program focus has been on deinstitutionalization of children charged with offenses that would not be crimes if committed by adults. This emphasis is consistent with congressional intent, but the funds available—\$8.5 million—are so limited that the end product is likely to be further discouragement at the State and local level. There is just not enough money to generate the required support at the local level.

The goals of Public Law 93-415 can be attained—its concentration on prevention, diversion, training, treatment, rehabilitation, evaluation and research will result in the improvement of the juvenile justice system—its scheme for State plans will enhance the chances that every child in the United States will be a resultant beneficiary.

Senators, when I learned that I would be invited to speak to you today, I solicited information from fellow judges around the country.

Associate Justice David Zenoff of the Supreme Court of Nevada, who as a former juvenile court judge, has maintained a strong interest in this field wrote:

In one area alone we find that care and treatment at the outset might well reduce at least the incidents of young people involved in murder. That area is what we call delinquent mental defectives. I'm informed that in three cases entertained by the Nevada Supreme Court alone within the period of 30 days three murders were committed for nickels and dimes against three innocent unsuspecting victims, a cab-driver, a store owner and a cigarette salesman,

all unrelated to each other, all committed separately by three different 17-year-old boys and the common denominator was that in their very early childhood they were seriously mentally retarded and their conditions went untreated and uncared for.

Judge Maurice B. Cohill of the Allegheny Court of Common Pleas, Family Division, recited a recent case of a young 15-year-old who had stolen 15 automobiles. Fifteen automobiles worth an average of \$3,000 for a total of \$45,000—can we possibly estimate the total cost of vehicles stolen in the entire United States? Can we measure the value of goods shoplifted? When you get to the bottom line, the figures would undoubtedly be equal to a sum necessary to fund this act for the next 200 years.

Judge Walter Whitlatch of Cleveland, Ohio, is faced with the problem of crimes of violence. This is typical of many large urban areas. When I first came to the bench, crimes against property— theft, burglary, shoplifting, larceny, vandalism—predominated. While these types of offenses still represent the great number of cases, there is an alarming increase in crimes against the person— robbery, assault, rape, assault with dangerous weapons, and murder. In the last 5 years, in Rhode Island, they have doubled.

As a direct result of this increase in violent crimes by young offenders, many legislatures are addressing themselves to bills which would lower the age of juvenile jurisdiction. I'm advised that in New York, legislation is being considered to reduce the age to 14 years. This exemplifies the feelings of the public which regrettably but understandably, is premised on reaction and not action. "Lock them up and throw away the key" has not worked in the past, in the present and will not in the future.

JUVENILE DELINQUENCY IS COMMUNITY ILLNESS

Mr. O'Neill was searching for the magic potion, there is no such magic potion. Juvenile delinquency is not a virus that can be isolated by some scientist, and an antitoxin prepared for it. It is a community ill, requires a massive community effort, and how anybody can—sitting in such high office—toss it aside so lightly I will never understand.

Whether or not it works? I can recite chapter and verse of money spent by the Federal Government, and programs in the State of Rhode Island, which have worked. Violent offenders who have been turned around by programs. We have removed half of our children from our training schools. We only have 14 girls in our girls training schools. There is hope that this input of Federal money can work if it is properly done.

As the Chairman, Senator Bayh, so ably put it: "We have traditionally relied heavily on institutions—called reform schools, training schools, or known by other euphemisms—for the 'rehabilitation' of youth who come under the jurisdiction of a juvenile court. In recent years, it has become increasingly clear that it is the function of the judicial system to insure that rehabilitative goals are realized through the implementation of a right to treatment for incarcerated juveniles."

Again, Senator Bayh, in speaking of the *Gault* decision said: "It has offered our legal system an opportunity unique in the history of this Nation—the chance to mold a new method of redirecting antisocial behavior, unhampered by the forms and restrictions of our traditional penal system, but without offending the constitutional rights of the individual. In restructuring our juvenile justice system, legislators and jurists must draw upon every resource available. We must in particular look to other disciplines, and other cultures, for guidance."

I unequivocally support that premise, but it will be meaningless unless the Congress implements Public Law 93-415.

We have amassed the power and the resources of the United States to protect the security of our Nation, but it will do little good if our Nation becomes a series of enclaves, the bad guys against the good guys, if young infants being born this minute show up in the family court of Rhode Island in 1985 as juvenile delinquents. I urge you, with all the feeling I can engender, place the implementation of Public Law 93-415 high on your list of priorities. Give the system a chance to work—something it has not had up to now—give our country a chance to grow.

Thank you.

Mr. RECTOR. Thank you very much, Judge Healey.

I would like to submit for the record the resolution¹ that was adopted March 12, 1975 by the members assembled at the National Conference on Juvenile Justice in New Orleans, which was co-sponsored by the National Council of Juvenile Court Judges and the National District Attorneys Association; realizing it was not specifically endorsed by those particular entities, but that it did express the consensus of the more than 800 individuals in attendance—a cross section of persons from around the country, urging the President in particular and the Congress to act to meet the mandate of the act.

Judge HEALEY. I would say that is a cross section of disciplines in this area of juvenile justice. I heard nobody dissent.

Mr. RECTOR. I do not know whether Mr. O'Neill received a copy of the letter that was addressed to the President. Perhaps we should send an additional copy to his attention.

Mr. Wertz, we apologize for the late hour. This is the kind of thing we cannot always program, as you are well aware from your experience in testifying before congressional committees. As Senator Bayh indicated, he is very apologetic for the situation that has developed, but I think we all appreciate the unique opportunity we have had in sitting across the table, so to speak, from the folks at OMB, who in normal instances have been hiding behind the cloak of executive privilege. It is a very rare opportunity, indeed, for any congressional committee to have a healthy opportunity to try to ferret out exactly what it is that these policymakers have in mind when they cut the budget and otherwise expend the red ink at the White House.

¹ See appendix, p. 446.

With that introduction, I would like to mention one aspect of your statement that literally jumps off the page. I will bring it to the attention of OMB, as well as sections of other statements presented here this afternoon. I do not want to preempt your statement, but I would like to quote you: "Simply put, the dilemma is this—that the public and the Congress want runaway juvenile delinquency stemmed, but the administration refuses to provide additional new funds to help to do the job. Furthermore, it seeks to cut what programs already exist, a situation we feel is intolerable." I think, on that note, we should proceed with your statement.

STATEMENT OF RICHARD C. WERTZ, CHAIRMAN, NATIONAL CONFERENCE OF STATE CRIMINAL JUSTICE PLANNING ADMINISTRATORS

Mr. WERTZ. I think it is a good place to end, quite frankly, between the lateness of the hour and the weakness of my voice this afternoon. I think I am going to be brief, and let the written statement be submitted for the record.¹

For the record, I am chairman of the National Conference of State Criminal Justice Planning Administrators, which is the organization composed of the directors of the 55 State criminal justice planning agencies around the country.

Like the other speakers who talked on this panel, we share the concerns about the lack of funding for the Juvenile Delinquency Prevention Act. We feel that this is one of the most important reform measures in the criminal justice area to be coming down the road in an awfully long period of time.

The SPAs have been in business now for about 6 years. We have juvenile reform plans on the books ready to be implemented. Simply put, the only thing that precludes the implementation of those plans is a lack of adequate resources. I personally reviewed the State plans developed by a number of our sister SPAs. Virtually all of them appear to be philosophically compatible with the objectives of the Juvenile Justice and Delinquency Prevention Act.

FULL APPROPRIATION FOR ACT, NOT REPROGRAMING

Again, the only thing that seems to preclude our implementation, at this point in time, is a lack of available resources. The position of the National Conference very simply is that we would urge this subcommittee to urge the full Congress to appropriate for fiscal years 1975 and 1976, the full amount available under the regional congressional authorization.

A good deal of our discussion here, today, is centered on the question of the possibility of OMB reprogramming some figure, which eludes me, either \$7 million, or \$14.5 million, or \$20 million reverted funds that have come back to LEAA. Quite frankly, in our experience any of these figures would be woefully inadequate to implement the provisions in the Juvenile Justice Act. \$14 million would be

¹ See p. 171.

woefully inadequate. The combination of the original authorization for 1975 and 1976 might begin to approach the point where some of the reforms envisioned by the act could begin to be implemented at the State level.

I guess, very simply put—rather than reiterating the positions of the other members of the panel, which I think were well put, and which we strongly support—the time has come for action. The reprogramming, as important as it is, is only a drop in the bucket, and we urge this subcommittee to take a position that we go for full authorized appropriations for both 1975 and 1976.

I appreciate the opportunity to be here.

PREPARED STATEMENT OF RICHARD C. WERTZ

Mr. Chairman and distinguished committee members, my name is Richard C. Wertz and I am chairman of the National Conference of State Criminal Justice Planning Administrators. The conference is composed of the 55 State Criminal Justice Planning Agencies—or SPAs—which operate in the States and territories under provisions of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by the Crime Control Act of 1973. I am also executive director of the Maryland SPA, the Governor's Commission on Law Enforcement and the Administration of Justice.

I am pleased to be here today to provide a State-level perspective on the critical need for funding of the Juvenile Justice and Delinquency Prevention Act of 1974. I should, therefore, like to discuss the SPA role in the prevention of juvenile delinquency as we see it, to summarize SPA strategies and past accomplishments in the juvenile delinquency area and to reemphasize the vital need for immediate funding at full authorized levels for this important piece of legislation.

As the members of this subcommittee know, in 1968 Congress passed the Omnibus Crime Control and Safe Streets Act, a bold, new Federal approach to addressing crime problems and the urgent need for improvement in our Nation's criminal justice system. In making Safe Streets a block grant program, Congress supported the concept that the States had significant responsibility for criminal justice reform and provided them with the decisionmaking authority and some of the fiscal resources necessary to revive a long neglected system. Additionally, the act mandated the establishment of State Criminal Justice Planning Agencies and charged them with the responsibility for comprehensive planning in the law enforcement and justice field. Thus, as a result of the congressional mandate, there were established for the first time State-level planning capabilities in each of the 55 jurisdictions, aimed at pulling together the various and heretofore fragmented, components of the adult and juvenile justice community into a coordinated and smoothly functioning system. This has been a task of monumental proportions.

As we view it, that system consists of four major component parts—juvenile delinquency prevention, police, juvenile and adult courts, and juvenile and adult corrections. Since we must deal with the many serious problems that exist in each component of the system, our limited resources are applied so as to be responsive to each of the system's functional parts. It was not the intent of Congress, we believe, that we concentrate those resources in any one particular area to the exclusion of another.

We share the concern of many members of this subcommittee that juvenile delinquency is an alarming problem that needs immediate and comprehensive attention. We had looked to the Juvenile Justice and Delinquency Prevention Act as a vital new resource to bolster our existing juvenile programs, and are disappointed that the administration has chosen not to provide this much needed support.

During the past 6 years, the SPAs have made considerable progress in addressing State and local adult and juvenile justice problems. They have been flexible in meeting police, courts, and correctional needs as each component developed the ability to effectively program and utilize Federal funds. In recent years, as planning and research capabilities have become more sophisticated, and as a wider variety of agencies have been encouraged to try new program-

ing approaches, a broader, more diversified range of program activity has taken form.

In this process, however, the SPAs have had to work within certain limits dictated by the availability of funds and the statutory mandate of the Crime Control Act. We believe the pace of criminal justice reform can be quickened by the authorization of additional funds.

As we, in the States, have refined the arts of criminal justice planning and research, one shocking fact has become increasingly clear: Juvenile delinquency is a problem far more serious than many seem to believe—and it is growing worse each year.

The FBI's Uniform Crime Reports for 1973 show that total arrests for persons under the age of 18 for violent crimes increased 246.5 percent in the 13 years between 1960 and 1973. During the same period, the overall arrest rate for those 18-and-over increased only 16.8 percent.

The State Planning Agencies have applied increasing amounts of funds to address juvenile problems and the programs which we have developed have begun to reshape the Nation's youth service systems.

The approach taken by the SPAs in dealing with juvenile delinquency has been, to the extent allowed by the Crime Control Act, philosophically and programmatically in step with the policies of Congress set forth in the Juvenile Justice and Delinquency Prevention Act. Section 223 of the act states that emphasis should be placed on community-based programs and service such as shelter-care and foster-care homes, youth services bureaus, and other programs aimed at diverting juveniles away from the formal criminal justice system. These are the types of programs which have been developed by the States during the past 6 years. This is where the emphasis has been and where it is expected to continue to be.

I should like to cite a few examples of the kinds of projects which have been funded in the States by the SPAs.

Oregon has placed major emphasis on prevention of juvenile crime through the use of police-school community liaison officers, criminal justice education as part of the school curriculum, and behavioral intervention. Other programs in Oregon make use of employment experience for "hard core" delinquents, and volunteers for counseling. Youth care and shelter-care centers have been established through 18 programs supported by the SPA.

Youth services bureaus have been developed on a widespread basis: YSBs have operated in at least five Alabama counties, serving an estimated 9,000 youths; the New Jersey SPA has funded seven YSBs in high crime areas; a YSB project funded by the Oklahoma SPA provided services to more than 400 youths during its first 10 months of operation.

In Albuquerque, New Mexico, an SPA-funded project has provided services to young people arrested for the first time on charges of marijuana possession. Under the program, youths who qualify are offered the opportunity to participate in a drug education program as an alternative to formal processing through the criminal justice system. Not one juvenile who has been offered the course declined to participate, and the rate of recidivism among clients has been only 4 percent.

In my own State of Maryland, substantial emphasis has been placed on development of group and shelter care facilities as well as screening and diversion programs for juvenile offenders. Our comprehensive plans for this year include crime specific projects designed to impact on juvenile crime in our larger jurisdictions. Another approach planned for this year in Maryland would involve community participation in programs whereby youths may be diverted, provide restitution, or provide alternative public service depending on the nature of the offense and the circumstances of the case.

In addition, the National SPA Conference has, in each of the last 2 years, used its national meetings as a forum for the discussion of juvenile delinquency. We were honored at our meeting in January 1974, to have as our keynote speaker Senator Charles McC. Mathias of Maryland, who spoke on the need for a Federal juvenile delinquency initiative. A major agenda item at our annual meeting last summer was a panel discussion and workshop on juvenile delinquency. The purpose of these activities is to provide for the exchange of ideas between the States in this critically important area.

We have also monitored progress of the Juvenile Justice and Delinquency Prevention Act during the past year and have been pleased to submit our views to Congress on several occasions.

These few examples highlight our concern and the wide range of activity already underway by the States. We firmly believe that more programs and more new ideas are needed. The philosophy in these programs is that juvenile delinquency should be addressed at the community level and that large institutions do not serve the rehabilitative needs of most juveniles. The community-based programs, which have been established to date, have been too few in number to show substantial reductions in juvenile crime. The public demands results and, quite frankly, we sense the beginnings of hardening public attitudes in dealing with juvenile offenders. Those who once supported a community-based approach may, out of sheer frustration, soon demand a return to institutionalization. We are uncomfortably close to coming full circle.

In a number of cities, conflicts are already beginning to develop between law enforcement officials by large numbers of juveniles arrested and released by the courts, and juvenile justice officials equally exasperated by the lack of dispositional alternatives. We believe that there is a critical need to come to grips with this growing source of frustration.

We think that community-based programs can reduce and prevent juvenile crime, but urgently need the appropriations to expand our efforts. We have looked to the Juvenile Justice and Delinquency Prevention Act as a means to that end, and have thus far found only disappointment.

When President Ford signed the act into law last September, he implied strong support for the need to prevent and reduce crime among our Nation's youth. Naturally, the National Conference of State Criminal Justice Planning Administrators welcomes that support. Unfortunately, that support has not translated into fiscal resources. Our regret is that "agreement in principle" does not fund programs.

It has been argued that the Nation's current economic problems necessitate a reduction in Federal spending and that funding for this act does not represent the best fiscal interest of this country. We support responsible budgeting designed to improve the economy, but we maintain that reasonable priorities must be established. From the standpoint of timing, I believe that there has never been a more appropriate moment to provide funding to implement the Juvenile Justice Act.

Historically, hard economic times—periods of high unemployment and uncertainty about the future—have placed additional burdens on the adult and juvenile justice systems. Today, large numbers of youths are unable to find work and are idle and in need of money. These circumstances provide a fertile environment for the growth of juvenile delinquency. Now is simply not the time to stifle the ability to deal with the problem of juvenile delinquency.

Equally as serious, the administration has now proposed a reduction for fiscal year 1976 in the appropriation levels for action funds available to the States through the Crime Control Act program. These funds are the backbone of our national adult and juvenile justice improvement. Such a cut would severely hamper our ongoing efforts in all areas including, of course, juvenile delinquency. At a minimum, we see the need to maintain current levels for Crime Control Act funds and for additional appropriations under the Juvenile Delinquency Act. Anything less, we feel, would be a serious blow to our efforts.

Simply put, the dilemma is this: The public and the Congress want runaway juvenile delinquency rates stemmed, yet the administration refuses to provide additional new funds to help do the job, and furthermore, seeks to cut what programs already exist. This situation, we feel, is intolerable.

The job of reducing juvenile delinquency has already begun in the States, but it cannot be expanded or improved without additional resources.

When the Juvenile Justice and Delinquency Prevention Act was passed, we looked forward eagerly to its implementation. The States have proceeded to develop expanded plans for juvenile delinquency programs as mandated by the act. Supervisory boards at the State and local levels have, in many cases, been reorganized to provide increased representation by citizens and juvenile interests and initial contacts have been made with those groups and agencies anxious to get programs underway. We have looked forward to not only expanding existing program areas, but to the development of new and innovative programs which the anticipated additional resources would allow. We are prepared to move forward in every way but one: the appropriations simply are not there.

In summary, the SPAs have a key role in reducing juvenile delinquency. They have, in fact, already implemented a variety of important programs which are having a positive impact. The rising rate and severity of juvenile crime point to an urgent need for more action. The SPAs have begun developing plans for a new offensive and they are ready to go ahead. What we need now are the funds to implement our plans.

It is apparent that if the need for expanded juvenile programming is to be met, it will be met by Congress. The strong majorities in both Houses of Congress that supported passage of the Juvenile Justice and Delinquency Prevention Act is ample evidence of congressional concern over our Nation's juvenile crime problem. It is my sincere hope that the priorities which seem somehow to have been misplaced, can be restored by congressional action.

REPROGRAMMED MONEYS NOT SUFFICIENT TO IMPLEMENT ACT

Mr. RECTOR. Thank you very much for your comments. We should note that the discussion at various points, and particularly when the budget people were here, was in the direction of reprogramming available moneys. However, that is primarily because the only daylight that has been indicated at OMB in the last 7 months was with regard to the "up to \$20 million." That was not in any way to reflect that this subcommittee, its chairman, or other Members of the Congress, would be satisfied with that rather modest, to say the least, amount of appropriation. It would not even begin to meet minimal allocation for each of the States. In no way would it begin to address the comprehensive kind of program incorporated in S. 821, which was signed 8 months ago. But it is a start, a beginning.

Mr. WERTZ. I doubt very seriously if one moderate-size State, could even deinstitutionalize with the sort of money that is being talked about in the reprogramming. My own concern is that, at this point in time, we have the climate for some really creative juvenile justice reform in the country; but we also have, at the same time, growing concern on the part of the general public to do something about juvenile delinquency. I am afraid if we wait too long that the opportunity will pass, and we will end up with suppression, as opposed to creative reform.

I think, quite frankly, that the only way to push the whole dilemma off dead center is to go directly at it through the appropriations process. I think that the reprogramming, if it ever comes through, is a nice thing; but, quite frankly, it is irrelevant to the broader concern of implementing this program.

I strongly urge the subcommittee to take that one headon.

Mr. RECTOR. Unfortunately, the President's posture and the OMB posture is not irrelevant to the appropriations process, so we are focusing in part on the reprogramming aspect. We are trying to pry loose at least some daylight, as I indicated earlier. In no way, from our perspective, would it put a lid on efforts to obtain a fiscal 1975 supplemental or funding for fiscal 1976.

Because of the lateness of the hour we will conclude the proceeding. We do intend however to pursue with each of the participants supplementary questions. In particular, questions on

issues regarding what LEAA has done, to date, to implement those sections of the act that are not contingent on an appropriation; whether it be on monitoring the maintenance of efforts that your folks, Mr. Wertz, would be particularly concerned about; or whether it be the question of augmenting and reorganizing the State planning agencies and regional planning units to include nonprofit, and public people who have to kind of experience requisite with mandate of the act and which the Congress intended to be incorporated in those bodies; or the other various and sundry aspects of the act that really do not require moneys to get the program off the ground.

On behalf of Senator Bayh, I would like to, again, thank you all for participating today. As he indicated, much remains to be done, and all your respective entities and organizations will hopefully pursue efforts similar to those they have in the past to see to it that we get dollars from both Houses of the Congress, and that we get a reordering of priorities at the White House and at OMB regarding juvenile justice.

The hearing is adjourned until the call of the Chair.

[Whereupon, at 3:35 p.m., the subcommittee adjourned, subject to the call of the Chair.]

In summary, the SPAs have a key role in reducing juvenile delinquency. They have, in fact, already implemented a variety of important programs which are having a positive impact. The rising rate and severity of juvenile crime point to an urgent need for more action. The SPAs have begun developing plans for a new offensive and they are ready to go ahead. What we need now are the funds to implement our plans.

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Because of the lateness of the hour we will conclude the proceeding. We do intend however to pursue with each of the participants supplementary questions. In particular, questions on

issues regarding what LEAA has done, to date, to implement those sections of the act that are not contingent on an appropriation; whether it be on monitoring the maintenance of efforts that your folks, Mr. Wertz, would be particularly concerned about; or whether it be the question of augmenting and reorganizing the State planning agencies and regional planning units to include nonprofit, and public people who have to kind of experience requisite with mandate of the act and which the Congress intended to be incorporated in those bodies; or the other various and sundry aspects of the act that really do not require moneys to get the program off the ground.

On behalf of Senator Bayh, I would like to, again, thank you all for participating today. As he indicated, much remains to be done, and all your respective entities and organizations will hopefully pursue efforts similar to those they have in the past to see to it that we get dollars from both Houses of the Congress, and that we get a reordering of priorities at the White House and at OMB regarding juvenile justice.

The hearing is adjourned until the call of the Chair.

[Whereupon, at 3:35 p.m., the subcommittee adjourned, subject to the call of the Chair.]

APPENDIX

Additional statements and material supplied for the record

(177)

PART 1—SUBMITTED BY WITNESSES

FROM H. LADD PLUMLEY

THE NATIONAL COUNCIL ON CRIME AND DELINQUENCY

Legislative Report Sept. 24, 1974.

THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974

A shadow of disappointment prevailed when President Ford signed into law the Juvenile Justice and Delinquency Prevention Act of 1974. After a long three-year struggle for Congressional approval, President Ford dealt a final blow by refusing to allow any new funds to implement the Act. In a press statement, released September 8th, the President stated, "I do not intend to seek appropriations for the new programs authorized in the bill in excess of the amounts included in the 1975 budget until the general need for restricting Federal spending is abated". The President's action cut \$75 million from first-year funding and may severely limit the effectiveness of the measure.

The appropriation, however, is only one important feature of the Juvenile Justice and Delinquency Prevention Act. Procedural and Constitutional protection for juveniles under Federal jurisdiction, a special Office of Juvenile Justice and Delinquency Prevention, coordination of Federal programs and activities, citizen participation in policy-making and planning, Federal assistance for state and local programs, special emphasis on prevention and treatment programs, and a national research, training and evaluation effort into all aspects of juvenile justice, collectively represent the comprehensive coverage of the new law.

Procedural and constitutional protection

Amending Title 18 of the United States Code, the juvenile justice act assures that all juveniles accused of a delinquent act under the laws of the United States will be transferred to the jurisdiction of a state juvenile court or another appropriate state court. This provision is based on the assumption that delinquency can best be dealt with at the local level or within the home community. This amendment prohibits the movement of young people away from their home area to Federal institutions in different parts of the country.

There are three exceptions to this provision. A juvenile offender will not be transferred to a state court if the United States Attorney General certifies that: 1) the state does not have jurisdiction because of the severity of the offense; 2) the state refuses to accept jurisdiction; and 3) the state does not have adequate services to meet the needs of the juvenile.

In the event that the juvenile's offense is serious enough to warrant transfer to adult court (i.e. he has committed an offense for which an adult would receive a maximum sentence of 10 years or more imprisonment, the death penalty, or life imprisonment), a transfer hearing will be held to determine if such a move is in the interest of justice. In making this determination, consideration will be given to the age of the juvenile, his social background, the nature of the offense, prior delinquent record, intellectual and psychological development, and other characteristics.

During the transfer hearing, the juvenile must be accompanied by counsel. If the juvenile should plead guilty or sufficient evidence is brought forward to substantiate guilt, then further criminal and juvenile proceedings are barred. Any statements made by the juvenile before or during the transfer hearings may not be used against him in subsequent criminal proceedings.

Custody guidelines and specific responsibilities of the presiding magistrate are also outlined in the juvenile justice act. When a child is taken into custody, he must be informed of his legal rights in a comprehensible manner and the Attorney General must be notified immediately. Parents must also

be notified quickly and informed of the nature of the offense allegedly committed by their child and of their child's rights. The child in custody must be taken before the magistrate as soon as possible, within a reasonable period of time. When in front of the magistrate, the child must be informed of his right to counsel. If his parents refuse to hire a counsel, then the court will appoint one. The magistrate must insure that the child is released to a parent or guardian or, if necessary, to the director of a shelter-care facility.

The juvenile justice act has outlined basic restrictions for detention of juveniles. Juveniles can only be detained in juvenile facilities; and whenever possible, they will be placed in foster homes or community-based centers. Under no circumstances will a juvenile be detained in a facility where he is continually in contact with adult offenders; and under no circumstances will an alleged delinquent be placed in a facility where he is continually in contact with adjudicated delinquents.

The new law also insures the right to a speedy trial for a juvenile. If trial proceedings have not begun within 30 days after the first day of detention, then charges will be dismissed. If a judge determines that a child shall remain in custody and the charges intact "in the interest of justice", he cannot base such a decision on a congested court calendar.

In reference to disposition of juveniles, a special hearing must be held within 20 court days. A presentence report will be developed and made available to both the defendant and the prosecutor. Any disposition handed down cannot be in excess of the juvenile's 21st birthday or longer than the maximum sentence for the same offense by an adult, whichever is less.

Juvenile records are guarded more securely with the implementation of the juvenile justice act. After each juvenile court proceeding, the record shall be sealed and only opened for criminal justice purposes. When inquiries are made into the record of a young person, a general answer will be given without indicating whether a record does or does not exist. The court must inform the parent and juvenile that such records exist and proceedings involved in sealing them. No fingerprints or pictures will be taken without written permission from the judge and no public media can have access to any identifying information.

With respect to commitment of a juvenile, no juvenile may be committed to a facility where he has contact with adult criminals. Adequate standards for care of the juvenile must be met before commitment. Whenever possible, the juvenile will be placed in a community-based facility near his home community. The Attorney General is allowed to make agreements with agencies, individuals, foster homes, and community-based facilities to care for juveniles under the jurisdiction of the Federal Government.

Finally, the juvenile justice act also stipulates that a hearing must be held when considering revocation of parole or probation. The juvenile shall be accompanied by counsel at these proceedings.

These amendments to the U.S. Code only affect children falling under the auspices of the Federal Government. It is hoped that by changing the present statutes, the 50 states will follow suit. The procedural and Constitutional safeguards for juveniles has been an important feature of the juvenile Justice and Delinquency Prevention Act since its inception in 1971. The Senate version of the bill carried these provisions and they were strengthened over the three-year consideration period. The House of Representatives did not consider these amendments to the U.S. Code because the committee investigating the issue did not have the necessary jurisdiction. The Senate-House Conference Committee accepted these procedural and Constitutional safeguards as a separate Title to the final version of the Juvenile Justice and Delinquency Prevention Act.

The Office of Juvenile Justice and Delinquency Prevention

The Office of Juvenile Justice and Delinquency Prevention, created by Title II of the new law, will become an integral part of the Law Enforcement Assistance Administration. This special office will acquire the entire Federal responsibility for juvenile justice. Concentrating all Federal programs and activities, setting policies and priorities, and financing programs for innovative approaches to the prevention and treatment of juvenile delinquency are only a few of the office's many responsibilities.

First of all, the office must conduct an assessment of Federal juvenile delinquency activities within the next year. Recommendations for modifications in management, organization, budget requests, program implementation, personnel, etc. will be included in the assessment.

A special master plan for Federal juvenile justice activities must be developed annually with a special emphasis on prevention of delinquency, diversion from the traditional juvenile justice system, and community alternatives to incarceration of young people. Furthermore, the office will require each Federal agency operating juvenile justice programs or related youth development programs to submit an annual juvenile delinquency development statement. This statement must address how each agency promotes the priorities of prevention, diversion and community alternatives.

Joint funding is also authorized by the new law to help concentrate Federal resources among the various agencies.

The Office of Juvenile Justice and Delinquency Prevention will provide technical and financial assistance to state and local governments to improve their juvenile justice operations and to public and private agencies to assist them in implementing juvenile delinquency programs.

The office will also oversee research, training and evaluation conducted by the National Institute for Juvenile Justice and Delinquency Prevention which will be discussed later in this narrative.

The Office of Juvenile Justice and Delinquency Prevention will be directed by an assistant administrator appointed by the President and approved by the Senate. The assistant administrator will be assisted by two deputy assistant administrators, one directly responsible for aiding the assistant administrator in his many duties, and the other responsible for directing the National Institute for Juvenile Justice and Delinquency Prevention.

A special office for juvenile justice has been a controversial issue since the inception of the bill. The end result was a compromise which brought the needed conservative support for passage.

Initially, a separate cabinet-level office was desired in order to have an independent office under the President. All federal responsibility for juvenile justice would eventually fall under this office and phased out from other Federal agencies. However, a strong congressional and administration opposition arose to this expansion of the Federal Government. The special office was next placed in the Department of Health, Education and Welfare.

Because of the lack of interest shown by the Department of Health, Education and Welfare, and due to the similarity of the new office's administration to that of the Law Enforcement Assistance Administration, the Senate Judiciary Committee placed the office within LEAA. This version dominated in the House-Senate Conference Committee and so remained as the final form of the bill. The main purpose for a special office for juvenile justice is to concentrate and coordinate juvenile justice programs among all Federal agencies. To facilitate coordination, a special coordinating council will be created. The Coordinating Council on Juvenile Justice and Delinquency Prevention is the final compromise form of the original cabinet-level office.

Coordination of Federal programs and activities

The Coordinating Council on Juvenile Justice and Delinquency Prevention is an independent organization under the President, purely advisory in nature. Members of the council will include representatives from the Departments of Health, Education and Welfare, Housing and Urban Development, Labor, the Special Action Office for Drug Abuse Prevention, the Director of the Office of Juvenile Justice and Delinquency Prevention, and the U.S. Attorney General. The Attorney General will be chairman of the council, and the director of the Office of Juvenile Justice and Delinquency Prevention will be vice-chairman.

The council will coordinate all juvenile delinquency programs and activities assisted by the Federal Government. It will make recommendations to the President and the Attorney General to facilitate and implement coordination procedures. A staff will be appointed to the council to provide the necessary administrative support.

Citizen participation

The Juvenile Justice and Delinquency Prevention Act mandates citizen involvement in juvenile justice planning at the Federal and state levels. State-

level citizen participation will be discussed in a later section. The new law establishes a National Advisory Committee for Juvenile Justice and Delinquency Prevention which provides for citizen participation at the Federal level.

Working with members of the Coordinating Council on Juvenile Justice and Delinquency Prevention, the National Advisory Committee, composed of 21 representatives of the juvenile and criminal justice systems, social service and youth serving organizations and volunteer agencies, will make recommendations to the assistant administrator directing the Office of Juvenile Justice and Delinquency Prevention with respect to planning, policy, priorities, operations and management of all Federal juvenile delinquency programs. Six members of the National Advisory Committee must be under the age of twenty-six at the time of appointment.

The National Advisory Committee will form two subcommittees, one to serve as an advisory committee to the National Institute for Juvenile Justice and Delinquency Prevention and the other will be the Advisory Committee on Standards for the Administration of Juvenile Justice. A subcommittee may be appointed to advise the Director of the Office of Juvenile Justice and Delinquency Prevention on any function of the office.

Citizen Participation has been an important feature of the Juvenile Justice and Delinquency Prevention Act since it was first introduced in 1971. Ideally, the function of any citizen committee should be supervisory, but the final version of the bill established only an advisory committee at the Federal level. At the state level, however, some supervisory function is given to a similar advisory committee which will be discussed in the next section. Many arguments arose over the question of citizen input into planning. The basic argument presented was that citizen participation would hamper effective administration. The opposition was ineffective and citizen participation in planning and programming is mandated at both the Federal and state level.

Federal assistance for State and local programs

The Juvenile Justice and Delinquency Prevention Act provides extensive financial assistance and statutory control to insure improvement of state and local government operations in juvenile justice. Substantial grants will be made available through the Office of Juvenile Justice and Delinquency Prevention to each state for planning, program implementation, coordination, training, evaluation, and research in juvenile justice and youth development.

To receive financial assistance, each state must designate an agency for juvenile justice planning and administration. This agency will be responsible for conducting a detailed study of state needs for an effective, comprehensive, coordinated approach to juvenile delinquency. The agency will create an annual state plan to improve or enhance existing juvenile systems at the state and local level. The state planning agency must have the necessary authority to insure complete implementation of the plan.

In developing a juvenile justice plan, the state must actively consult with local governments, private organizations working with local governments, private organizations working with youth, and state social service agencies.

The Governor of each state must appoint an advisory group to approve the state plan before submittal to the Office of Juvenile Justice and Delinquency Prevention. This advisory group will be composed of representatives from local governments, juvenile and criminal justice systems, and lay persons concerned with delinquency prevention. There will be between 21 and 33 members of the committee, with at least one-third under the age of 26 at the time of appointment. A majority of the members must not be full-time government employees.

Financial assistance from the Office of Juvenile Justice and Delinquency Prevention will not exceed 90 percent of approved program costs, requiring a 10 percent cash or kind match. Two-thirds of the money received by the state must be used to execute programs at the local government level (unless otherwise approved by the Office). Seventy-five percent of the money received by the state must be used to develop programs for the prevention of delinquency, diversion from the traditional juvenile justice system, and community alternatives to incarceration.

Each state planning agency must review its annual plan and submit a report to the Office of Juvenile Justice and Delinquency Prevention with an overall evaluation and suggestions for modification. The agency must insure that assistance will be available to deal with disadvantaged youth on an equitable basis. In addition, that state agency must insure that the state will adopt the procedural and constitutional safeguards discussed earlier, by 1976. Procedures must be established for continuous monitoring of jails, detention facilities, and correctional institutions to insure compliance with these regulations.

Federal assistance to state and local governments was never a strong controversial issue, although it was a major component of the juvenile justice act. During the last few stages of congressional approval, concern was voiced over the extended authority given to the Law Enforcement Assistance Administration in planning at the state and local levels. Several members of Congress felt the new law would overstep the boundaries of the partnership relationship between Federal and state governments created with Revenue Sharing. These last minute arguments had little effect on the composition of the bill.

Special emphasis on prevention and treatment programs

In addition to allocations for state financial aide, special funds will be set aside from the annual budget of the Office of Juvenile Justice and Delinquency Prevention for special programs emphasizing prevention of delinquency, diversion from the traditional juvenile justice system, and community alternatives to incarceration.

Grants and contracts will be made available to public and private agencies and individuals to develop innovative programs in the prevention and treatment of juvenile delinquency. Programs funded under this special emphasis category will include those that:

1. Develop and implement new approaches, techniques, and methods with respect to juvenile delinquency programs;
2. Develop and maintain community-based alternatives to the traditional forms of institutionalization;
3. Develop and implement effective means of diverting juveniles from the traditional juvenile and correctional system;
4. Improve the capability of public and private agencies and organizations to provide services for delinquents and youths in danger of becoming delinquent;
5. Develop and implement model programs and methods to keep students in elementary and secondary schools and to prevent unwarranted and arbitrary suspensions and expulsions.

Between 25 and 50 percent of the Office of Juvenile Justice and Delinquency Prevention's annual budget will be used for special emphasis programs. At least 20 percent of these special emphasis funds must go to youth-serving, private, non-profit agencies experienced in youth development.

The National Institute for Juvenile Justice and Delinquency Prevention

The National Institute for Juvenile Justice and Delinquency Prevention is a final major component of the Juvenile Justice and Delinquency Prevention Act. Under the direction of a deputy assistant administrator within the office of Juvenile Justice and Delinquency Prevention, the new national institute will work in conjunction with the National Institute for Law Enforcement Assistance Administration.

The National Institute has four main functions:

1. To serve as an information bank and clearinghouse in order to increase the knowledge base of juvenile justice, especially in the prevention and treatment of delinquency;
2. To encourage and develop research and demonstration projects and to perform evaluations of programs with juvenile justice which are assisted by Federal funds;
3. To train professionals, paraprofessionals, and volunteers in working in juvenile justice and youth development; and,
4. To develop standards for juvenile justice operations at Federal, state and local levels of government.

The National Institute for Juvenile Justice is at least two years older than the entire Juvenile Justice and Delinquency Prevention Act. Several times bills were introduced trying to establish a similar institute, but it was impossible to achieve support for the measure by both Houses of Congress. The National Institute was made a major provision of the Juvenile Justice and Delinquency Prevention Act when it first took shape in 1971.

Appropriations

When the Juvenile Justice and Delinquency Prevention Act was first developed, appropriations were set at \$1 billion for a four-year program. This amount seemed conservative in relation to the extensive delinquency problem. However, political opposition cut the program's budget several times.

The first form of the juvenile justice act authorized \$380 million for a three-year period (\$75 million for first-year funding, \$125 million for second-year funding, and \$150 million for third-year funding.) In addition to the above appropriations, the juvenile justice act requires the Law Enforcement Assistance Administration to spend at least \$140 million annually from other funding sources.

As mentioned earlier, President Ford has cut the \$75 million from the first-year program budget. LEAA now only has its guaranteed \$140 million to begin implementation of the Juvenile Justice and Delinquency Prevention Act.

Additional comments

The Juvenile Justice and Delinquency Prevention Act contained three different bills when it was signed into law: first, the Juvenile Act which has been discussed above; secondly, the Runaway Youth Act, added as a rider amendment to the Juvenile Justice Act for legislative and administrative convenience; and lastly, the National Institute of Corrections, added as a rider amendment during Senate Judiciary Committee considerations in order to gain support for the Juvenile Justice Act from conservative members of the Senate.

The Runaway Youth Act establishes a grant program to be implemented by the Department of Health, Education and Welfare to help in opening runaway facilities throughout the country. These facilities would be temporary shelter-care centers to meet the immediate needs of runaway youth. In addition to financial assistance for runaway centers, the Runaway Youth Act calls for a national survey to uncover information about runaway youth. The survey will investigate the socio-economic background of young people who run away from home, frequented routes used by runaway youth, and other related information.

The National Institute of Corrections, which will become part of the Federal Bureau of Prisons, will be the agency responsible for research, demonstration programs, and the collection, analysis and dissemination of information in the field of corrections. The basic purpose of the National Institute of Corrections is to improve and make more efficient Federal, state and local correctional institutions in the rehabilitation of offenders.

FROM ELMER R. STAATS

ASSESSMENT OF FEDERAL REGIONAL COUNCILS

OFFICE OF MANAGEMENT AND BUDGET AND OTHER FEDERAL AGENCIES

Why the review was made

Federal Regional Councils were established about 2 years ago to develop closer working relationships between large Federal grant-making agencies and State and local governments and to improve coordination of the categorical grant-in-aid system.

In response to increasing public and congressional concern with the Council's role in administering Federal programs, GAO reviewed their organization and activities to determine what they have accomplished.

GAO did much of its work in the Atlanta, Boston, Chicago, and Seattle Federal regions.

Findings and Conclusions

Most officials of States and larger units of local governments interviewed by GAO knew about the Councils and their purposes. However, the extent of their knowledge and experience with the Councils varied widely.

Representatives of smaller units of local government interviewed by GAO generally were unfamiliar with the Councils.

State and local governments need information on Federal grant-in-aid programs and on the opportunities for securing assistance from the Councils.

Factors contributing to this need, particularly as it applies to smaller units of government, are (1) limited staff resources available to Councils and (2) the Councils' relatively brief experience in operating intergovernmental programs.

Programs such as Integrated Grant Administration, flexible funding, and Planned Variations, as implemented by the Councils, helped State and local governments to coordinate the administration of Federal grant-in-aid programs. These programs, however, were experimental and reached only a limited number of potential recipients.

The Under Secretaries Group for Regional Operations, under the chairmanship of the Deputy Director, Office of Management and Budget (OMB), is responsible for the Councils' proper functioning.

Councils were impeded from being more effective by factors such as: Member agencies' lack of, or variations in, decentralized decisionmaking authority.

Limits on the authority of Council chairmen.

Division of time and effort by Council members, staffs, and task force members between Council and agency affairs.

Insufficient participation by nonmember Federal agencies in Councils' activities.

Absence of formalized standards for planning work and reporting progress. Although these factors impeded the Councils' effectiveness, GAO believes that, within their existing framework, Councils can more effectively accomplish their purposes with stronger management direction by the Under Secretaries Group.

Recommendations

Councils should increase their efforts in disseminating information and providing technical assistance by fully acquainting officials of State and local governments with the councils' role and responsibilities and the means by which their assistance can be secured.

In view of the limited staff resources available to Councils and their relatively brief experience in operating intergovernmental programs, OMB should consider an experiment of transferring a limited number of OMB representatives from Washington to individual Council cities as additional resources to assist Council chairmen and the Councils in developing and operating intergovernmental programs.

The Under Secretaries Group should counteract factors impeding Councils' effectiveness by assuming a more assertive role and by providing direction and firm support to the Councils.

Agency actions and unresolved issues

OMB generally agreed with GAO's findings and conclusions and concurred in its recommendations. Its comments include the views of the Under Secretaries Group, Council chairmen, and other officials closely associated with Council operations.

OMB noted that:

Councils are placing greater emphasis during fiscal year 1974 on intergovernmental relations programs and are attempting to overcome their resource limitations by using public interest groups to reach local officials.

The Under Secretaries Group has instituted a management-by-objectives procedure to provide for stronger Under Secretaries participation and guidance and to strengthen the Councils' management and increase their effectiveness.

Within the executive branch, OMB has the overall responsibility to monitor and oversee the decentralization effort. OMB stated that Council agencies are pursuing decentralization and that it looks for strong Under Secretary action to insure prompt and effective decentralization within the agencies.

OMB officials agreed to consider an experiment involving the transfer of a limited number of OMB representatives to individual Council cities to assist the Councils in establishing and maintaining relations with State and local officials.

Matters for consideration by the Congress

The activities of Federal Regional Councils should be of interest to the Congress in view of its concern with the purposes for which the Councils were established—simplifying and making more effective, the delivery of Federal aid to State and local governments.

INFORMATION ON EFFECTIVENESS OF YOUTH SERVICE BUREAUS AND GROUP HOMES FOR JUVENILES

On March 19, 1974, GAO issued a report to the Congress entitled "Difficulties of Assessing Results of Law Enforcement Assistance Administration Projects to Reduce Crime." The following excerpts from that report discuss our findings on the effectiveness of two types of projects dealings with youthful offenders.

YOUTH SERVICE BUREAUS

Project effectiveness

We tried to determine project effectiveness to provide some indication of the success achieved and the type of standards that can be developed to measure a project's accomplishments. Assessment of youth service bureau's impact requires, as a minimum, that data be collected on the number of offenses committed by youths before and during project participation and the number of youths referred to and dealt with by the juvenile courts before and during participation. Followup information on youths' activities once they leave the project is also desirable.

To the extent possible to assess effectiveness, we used the results of the project evaluations and data the project staff gathered. Often, however, we had to develop our own data to try to determine the project's impact. The following information shows that data was inadequate to provide a basis for judging the impact of the Portland project but points up the difficulties in trying to assess the other projects' impact.

Bellevue

According to the director of the Bellevue project, the project makes an agreement with each youth counseled that restricts access to records kept on the youth to his assigned counselor and the paid project staff. He said these agreements, unless waived by the youth, prevented any outside evaluation team from doing followup to determine the rate of referrals to the courts on the youths before and after project contact. As a result, we could not determine the project's impact.

Our analysis of statistical data on juvenile and adult arrests in Bellevue, however, indicated that the project may have had a positive impact. Between 1965 and 1969, juvenile arrests as a percent of total arrests averaged about 34 percent and ranged between 30 and 37 percent. The Bellevue project received its first grant in 1970. Between 1970 and 1972 juvenile arrests averaged about 27 percent of all arrests and ranged from 24 to 30 percent. The drop in the percent of juvenile arrests relative to all arrests is even more significant since, from 1965 to 1972, the juvenile population between 12 and 17 years of age steadily increased relative to the adult population (over 18 years of age).

The Bellevue Police Chief told us that he believed the youth service bureau project had reduced, to some extent, juvenile arrests relative to all arrests. He said, however, that other factors, such as increased concern for juvenile rights and increased emphasis on referring juveniles to their parents or other social service agencies if they get into trouble, also contributed to the decrease.

Portland

The evaluation team systematically analyzed the bureau's target area cases between March 6, 1971, and April 15, 1972. It determined that either the employment program or the counseling program had served 623 target area individuals. The team checked each of the above individuals against the juvenile court records to see if each had contact with the court before and after project participation.

Significant results of this analysis and the evaluation team's conclusions follow.

Of the participants, 179 had had some contact with the court although only 26 [15 percent] had gotten into trouble after contact with the project. These 26 represented only 4 percent of the total youths served by the project during the period.

Youths were diverted from the juvenile court system to the project in 20 cases as a result of an informal arrangement between the project and the court.

For most cases it was difficult to determine whether the project directly helped keep the youths out of the juvenile court system. However, since only 26 of the 620 youngsters were referred to the court once they began participating, the project may well be having a positive impact although it is difficult to specify the impact.

The evaluation team believed other data supported their conclusions and reported that individuals closely associated with juvenile court believed the project was having a positive impact. According to the team, between 1970 and 1971 juvenile court dispositions from the project's target area decreased while juvenile court dispositions for all of Multnomah County, where the project was located, went up, as shown below.

COURT DISPOSITIONS—1970 AND 1971

	1970	1971	Change	Percent of change
Entire county.....	5315	5956	+641	+12
Project area only.....	701	647	-54	-8

Although the reduction may have been attributed to periodic variations in such statistics, the evaluation team believed the data might indicate the project's positive impact.

St. Louis

The project staff did not develop objective data to show the project's impact on youths contacted. To assess the project's impact in terms of reducing the number of first-time juvenile offenders and the number of repeaters, we examined juvenile court records. They showed that 218 youths (13 percent of our sample of 1,674 youths contacted by the project) had been referred to the courts for delinquent behavior. Detailed data for 191 of these youths showed that 52 (27 percent) were referred to the court *after* project contact; 30 (16 percent) were referred to the court *before* and *after* contact; 109 (57 percent) had been referred to the court *only before* contact. The 82 youths referred to the court after contact with the project represent 43 percent of the youths with detailed court records but only about 5 percent of the youths in our sample.

Some additional indication of the project's impact is provided by two sources. A consultant analyzed data on 125 youths selected at random from the approximate 1,800 youths in the project. She determined that 36 of the 125 believed the project had influenced them to stay out of trouble; 40 said they did not know whether the project helped them; 15 said the project had not helped them; 20 said they had not been involved in the project; and 14 did not answer.

The consultant also gathered data indicating the before-and-after legal status of participants to determine recidivism rates. However, she did not use this data in her final report. But the Missouri SPA staff did analyze her data and concluded that participants with court referral histories experienced a decrease in recidivism while court referrals from the locations increased. For example, the data showed that 38 offenders had committed crimes in the 10 months immediately before the project began and 16 of the 38 had committed crimes during the 10 months after it began.

Although the data indicates that the project helped some offenders, the consultant's data also indicated that many had only minimal project contact. Thus, it is difficult to develop a direct causal relationship between the project and the fact that some offenders did not commit more crimes because of project services.

National Survey

A further indication of the problems of assessing the impact of youth service bureaus is provided by a national study of youth service bureaus completed in November 1972.¹ One study objective was to try to determine whether the bureaus had diverted youth from the juvenile justice system.

The study team visited 58 youth service bureaus in 31 States and analyzed responses to questionnaires from 170 youth service bureaus. The study concluded that information on the impact of bureaus was so limited and individualistic that any national answer regarding the extent of diversion would be speculative. According to the study, "youth service bureaus" and "diversion" have not been defined and youth service bureaus generally have inadequate data to measure impact.

¹ "National Study of Youth Service Bureaus," by the Department of California Youth Authority. HEW financed the report. Its publication number is (SRS) 73-26025.

Conclusion

Were the three youth service bureaus successful? Only one project—Portland—had sufficient data that reflected its impact. The data for the project indicates that it has been fairly effective in keeping participants from further contact with the juvenile justice system. However, since there is no standard for the achievements to be reached by youth service bureaus, we cannot say whether this project should be considered successful.

GROUP HOMES FOR JUVENILES

Project effectiveness

We developed better data on the impact of group homes than for the three other types of projects reviewed. Yet, without standards against which to measure the results, determining project effectiveness is very difficult. Nevertheless, the results do provide a basis to begin developing such standards.

One measure of a group home's impact is the extent to which youths get into trouble once they leave the home. Without criteria regarding the number of youths expected to get into trouble again, we cannot say whether the projects were successful, but the data available indicates little project effectiveness in reducing the delinquent behavior of participants.

At the time of our review, the three projects had received 442 youths into their homes and had released 319. We obtained selected data from the projects' records for 104 of the 319. We also did certain followup work at juvenile courts having jurisdiction in the project areas.

As shown below, about as many participants were dismissed from the homes because they misbehaved as were released because they were considered to have completed the program or were over legal age.

Reasons for leaving homes	Number of former participants				Percent of total
	Kansas City	Wichita	Vancouver	Total	
Poor behavior.....	22	16	9	47	45.2
Completed program or over legal age.....	10	14	22	46	44.2
Transferred to another program (such as Job Corps).....	3	1	7	11	10.6
Total.....	35	31	38	104	100.0

Followup data in project records for the 104 former participants showed that most were living in the community.

Residence	Former participants				Percent of total
	Kansas City	Wichita	Vancouver	Total	
Living in community with relatives, others, or on their own.....	21	24	20	65	62.5
In military service.....		3	1	4	3.8
In penal or mental institutions.....	5	3	12	20	19.2
In other group homes.....			4	4	3.9
Unknown.....	9	1	1	11	10.6
Total.....	35	31	38	104	100.0

However, 65 percent of these youths had further involvement with juvenile court after leaving the home.

Number of referrals to courts for misbehavior after leaving resi- dential homes	Former participants				Percent of total
	Kansas City	Wichita	Vancouver	Total	
None.....	7	17	12	36	34.6
One to three.....	19	14	26	59	56.7
Four or more.....	9				8.7
Total.....	35	31	38	104	100.0

Although many youths were referred to juvenile court for misbehavior after leaving the homes, the average frequency of these referrals had decreased slightly.

	Average yearly frequency of court referral rate		
	Kansas City	Wichita	Vancouver
A year before placement.....	2.69	2.35	1.74
After release from home.....	2.12	.80	1.25
Amount of decrease.....	.57	1.55	.49

The decreases in court referrals, however, cannot be attributed solely to behavioral changes achieved by the homes. For example, upon leaving the home, some youths were too old to be charged with offenses peculiar to juveniles, such as truancy, for which they could have been referred to juvenile court. Others were living in different settings than before they entered the group homes, such as with different relatives or in different cities.

Data developed by some of the projects' evaluators also indicated the same trend regarding the number of youths whose behavior the projects did not change. The evaluator of the Kansas City project noted that, for 48 participants released or transferred from the homes by April 1972, half were transferred to more restrictive boarding schools. Vancouver's evaluator developed detailed statistics on 75 of 79 youths released from the homes during 1972. About 51 percent (38) were referred back to juvenile court for new offenses after release from the home.

Conclusion

Is it acceptable, for the participants on whom we obtained data, that—
45 percent were released from the group homes for poor behavior?

65 percent had problems which resulted in referral to juvenile court once they left the homes?

23 percent were sent to penal or mental institutions once they were released from the homes?

The SPA juvenile specialist for Washington State advised us that about 46 percent of all youths in the State referred to juvenile court for an offense would be referred to the juvenile court again regardless of whether they had been in institutions, group homes, or foster homes. Thus, he believed that the referral rate for a group home should be much better than the average referral rate back to the juvenile court if a group home is to be considered effective. However, until LEAA and the S. As establish criteria, no adequate basis exists for assessing whether the percentages we developed indicate success or failure.



REPORT TO THE CONGRESS

How Federal Efforts To Coordinate Programs To Mitigate Juvenile Delinquency Proved Ineffective

Department of Justice

Department of Health, Education, and Welfare

BY THE COMPTROLLER GENERAL
OF THE UNITED STATES

GGD-75-76

APRIL 21, 1975



COMPTROLLER GENERAL OF THE UNITED STATES
WASHINGTON, D.C. 20548

B-168530

To the President of the Senate and the
Speaker of the House of Representatives

This report discusses the ineffectiveness of Federal
attempts to coordinate juvenile delinquency programs.

We made our review pursuant to the Budget and Accounting
Act, 1921 (31 U.S.C. 53), and the Accounting and Auditing Act
of 1950 (31 U.S.C. 67).

Copies of this report are being sent to the Director,
Office of Management and Budget; the Attorney General; the
Secretary of Health, Education, and Welfare; and the Admin-
istrator, Law Enforcement Assistance Administration.

Thomas A. Atkins

Comptroller General
of the United States

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ABBREVIATIONS

GAO General Accounting Office

HEW Department of Health, Education, and Welfare

HUD Department of Housing and Urban Development

LEAA Law Enforcement Assistance Administration

OMB Office of Management and Budget

CONTROLLER GENERAL'S
REPORT TO THE CONGRESS

HOW FEDERAL EFFORTS TO
COORDINATE PROGRAMS TO MITIGATE
JUVENILE DELINQUENCY PROVED
INEFFECTIVE
Department of Justice
Department of Health, Education,
and Welfare

D I G E S TWHY THE REVIEW WAS MADE

GAO made this review to find out what the Federal Government has done to coordinate the many programs--Federal, State, and local--which could affect the prevention and control of juvenile delinquency in the United States.

prevent and control juvenile delinquency in the United States.

No Federal agency had

--identified significant causes of juvenile delinquency,

--determined what resources were available for combating juvenile crime,

--developed a strategy to address the causes, or

--informed pertinent agencies' officials of Federal efforts to do something about the problem.

FINDINGS AND CONCLUSIONS

Juvenile delinquency must be reduced if crime is to be prevented or curbed.

--Total arrests of juveniles under age 18 rose 144 percent between 1960 and 1973 compared to a 17 percent increase in arrests for those 18 and over.

--Juveniles in 1973 accounted for 51 percent of all arrests for property crimes, 23 percent for violent crimes, and 45 percent of arrests for serious crimes.

The Federal Government apparently relied on the myriad of antipoverty and social welfare programs to make a significant impact on the problem.

In September 1974 the Juvenile Justice and Delinquency Prevention Act became law; it is designed to improve the Federal Government's attempts to combat juvenile delinquency.

To account for the present situation, a summary of recent events is necessary. The most significant Federal acts, with amendments, dealing with the juvenile delinquency problem were:

Before the law, no adequate national program had been developed to focus resources to

1961 - The Juvenile Delinquency and Youth Offenses Control Act.

Tear Sheet. Upon removal, the report cover date should be noted hereon.

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1968 - The Juvenile Delinquency Prevention and Control Act.

1968 - The Omnibus Crime Control and Safe Streets Act.

The responsibility for acting on juvenile delinquency rested chiefly with the Department of Health, Education, and Welfare (HEW). In 1968 the Law Enforcement Assistance Administration of the Department of Justice also received some responsibilities. The Departments of Labor and Housing and Urban Development and the Office of Economic Opportunity also operated programs that affected the problem. (See pp. 3 to 10.)

Coordination problems

Coordination among these and other appropriate Federal agencies was difficult because they had no standard definition for selecting specific Federal programs for preventing juvenile delinquency or rehabilitating such delinquents.

In 1971 the Interdepartmental Council to Coordinate All Federal Juvenile Delinquency Programs--composed of 10 departments and agencies--was created by the Congress. It developed a definition, but it was too broad to be workable. It defined a juvenile as anyone between 1 day and 24 years of age.

The Council also was ineffective. It effected no major Federal legislative or program decisions because it (1) had to

rely on funds and staff provided by its member agencies and (2) lacked clear authority to coordinate their activities. (See pp. 22 to 26.)

Many officials of the Federal agency programs that the Council had identified as affecting juvenile delinquency were unaware that their programs had such a potential. (See pp. 13 and 14.)

Previous estimates of Federal Government expenditures for juvenile delinquency may not be accurate because of the absence of a workable definition of a juvenile delinquency program.

Congressional legislative committees observed that HEW had failed to adequately coordinate Federal efforts because of inadequate administration of the Juvenile Delinquency Prevention Control Act of 1968 and that it requested from fiscal years 1968 to 1971 only \$49.2 million of an authorized \$150 million to administer the act.

A major administrative problem resulted from the 1968 acts' overlapping roles for HEW and the Law Enforcement Assistance Administration.

HEW was to help the States prepare and implement comprehensive State juvenile delinquency plans. At the same time, the Law Enforcement Assistance Administration was to make block grants to the States to address all criminal

justice problems, including juvenile delinquency.

With more funds available, the Law Enforcement Assistance Administration became dominant in criminal justice planning. It spent about \$70 million for juvenile delinquency programs in fiscal year 1971 compared with \$8.5 million spent by HEW for that year.

To facilitate coordination, the Secretary of HEW and the Attorney General agreed in 1971 (1) that HEW would concentrate on prevention efforts before a person entered the juvenile justice system and (2) that the Law Enforcement Assistance Administration would focus on efforts once a person was in the juvenile justice system. (See pp. 20 to 22.)

In 1972 Federal regional councils were established in the 10 standard regions to develop closer working relationships between Federal grantmaking agencies and State and local governments.

However, the Federal regional councils generally were not very involved in juvenile delinquency projects, according to an official of the Office of Management and Budget, because of inadequate leadership from Washington. (See pp. 26 to 30.)

State and local coordination efforts

GAO's review of the efforts

of Colorado and Massachusetts and their largest cities--Denver and Boston--showed that coordination problems in juvenile delinquency in States and cities were similar to those in the Federal Government.

Neither State had a single agency or organization coordinating the planning and operation of all programs that could affect juvenile delinquency. Neither had a comprehensive strategy to prevent or control juvenile delinquency.

The State and local situation has resulted in part from the Federal Government's fragmented approach to the juvenile delinquency problem. To seek funds, State and local agencies had to respond to the specific Federal categorical grant programs, each with its own objectives, requirements, and restrictions. As a result, State and local agencies had little incentive to coordinate their activities. (See ch. 5.)

1974 legislation--an impetus for improvements

The Juvenile Justice and Delinquency Prevention Act of 1974, if properly implemented, should help prevent and control juvenile delinquency.

The law

--creates an Office of Juvenile Justice and Delinquency Prevention in the Law Enforcement Assistance Administration;

- provides increased visibility to the problem and a focal point for Federal juvenile delinquency activities;
- improves existing Federal agency coordination and reporting requirements; and
- requires States to make a single agency responsible for planning juvenile delinquency efforts to be funded with Federal moneys. (See pp. 51 to 53.)

RECOMMENDATIONS OR SUGGESTIONS

The 1974 act gives executive agencies a sufficient framework to improve their coordination of juvenile delinquency efforts. Since the act was enacted only shortly after GAO completed its review, it was too early to determine how the agencies were implementing it and, on the basis of such an assessment, to recommend to appropriate officials ways to improve implementation.

AGENCY ACTIONS AND UNRESOLVED ISSUES

The Departments of Justice and HEW; Office of Management and Budget; and appropriate Colorado and Massachusetts State and local agencies generally agreed with GAO's findings and conclusions. (See ch. 8.)

The Department of Justice recognized its responsibilities, under the 1974 act, to define Federal juvenile delinquency programs and better coordinate their activities but noted two

conditions which may impede its efforts. It has interpreted "New Federalism" to mean that it cannot impose substantial guidelines and definitions, other than those required by law, upon State and local operating agencies, but tries to encourage movement in that direction by using funding incentives and training. The Department also noted that its efforts will be affected by the aggressiveness with which the Office of Management and Budget actively encourages coordinated planning through its funding and oversight responsibilities. The Department also outlined actions it had already taken to implement the 1974 act. (See app. I.)

HEW officials expressed concern, based on their previous experiences, about the ability of the Law Enforcement Assistance Administration to effectively carry out its legislative mandates under the 1974 act unless there is a commitment at the highest levels of the Federal Government to the effort. (See p. 59.)

MATTERS FOR CONSIDERATION BY THE CONGRESS

When it passed the 1974 act, the Congress clearly expressed its intent to exercise oversight over implementation and administration of the act. Among the issues the Congress should consider in carrying out its oversight are:

- The extent to which the Law Enforcement Assistance Administration is implementing two basic parts of the act--developing comprehensive State juvenile delinquency plans and a national juvenile delinquency strategy--in a timely manner,
- The extent to which the Law Enforcement Assistance Administration is able to effectively implement certain

provisions of section 204 of the act, such as (b)(2), (4), and (f), which basically give the Administration authority to coordinate and direct certain juvenile delinquency efforts of other Federal agencies.

- Whether the executive branch will request and allocate funds to adequately implement the act. (See pp. 54 to 57.)

CHAPTER 1

INTRODUCTION

In proportion to their numbers in the national population, young people are the largest contributors to the crime problem. Reported criminal involvement of young people, as measured by police arrests, is increasing. In 1973, youths under 18 (juveniles) accounted for 51 percent of the total arrests for property crimes, such as burglary and auto theft; 23 percent of violent crimes, such as murder, rape, and robbery; and 45 percent of arrests for all serious crimes. Total arrests of juveniles rose 144 percent between 1960 and 1973; at the same time total arrests for those aged 18 and over rose only 17 percent.

During this same period, violent crimes by juveniles increased 247 percent compared with 109 percent for adults, while property crimes increased 105 percent compared with 99 percent for adults. Total juvenile arrests during the 1960s increased almost 7 times more than total adult arrests, and juvenile arrests for violent crimes increased 2-1/2 times more than adult arrests.

Unreported crime compounds the problem. Studies reveal that perhaps 90 percent of all young people have committed at least one act for which they could have been brought to juvenile court. Also, the estimated national cost of crime by juveniles is about \$16 billion annually--an increase of about 300 percent since 1968.

An estimated 1 million juveniles enter the juvenile justice system each year. Although 50 percent are informally handled by juvenile court intake staffs and released, 40 percent are formally adjudicated and placed on probation or other supervisory release. Ten percent, or approximately 100,000 young people, are incarcerated in juvenile institutions. Recidivism among juveniles is more severe than among adults; estimates vary from 60 to 85 percent for juveniles compared with 40 to 70 percent for adults.

An entire range of "juvenile status offenses," which includes ungovernability, truancy, and running away, also subjects youth to the juvenile court process. If adults committed these offenses, they would incur no legal consequences. At least half of the youth currently in juvenile institutions are estimated to have been incarcerated for committing status offenses.

The severity of the national problem was reflected at the local level in Denver and Boston--the two localities we reviewed. In Denver, 12,946 juveniles were arrested in 1973. This represented an 82-percent increase over 1967 figures. Nonjuvenile arrests increased 62 percent over the same time period. A survey indicated that as much as 73 percent of the respondents between 10 and 18 had engaged in acts for which they would have been arrested if a policeman had been present. If these results are extended to all Denver youth, delinquency is not only increasing--it is permeating the juvenile population.

Boston had 3,786 juvenile arrests in 1973, a 67 percent increase over 1967. Comparative data was not available on adult arrests for the 2 years. Included in the total were 221 arrests for robbery, 499 for breaking and entering, 281 for assault, 943 for larceny, 9 for rape, 23 for prostitution, 823 for auto theft and related offenses, and 6 for homicide.

CHAPTER 2

DEVELOPMENT OF FEDERAL

JUVENILE DELINQUENCY EFFORTS

The first Federal effort to combat juvenile delinquency--the establishment of the Children's Bureau in 1912--resulted from a growing awareness of the problem in the first decades of the 20th century.

During the 1940s other Federal agencies became involved. Federal activities were still relatively few, however, until the late 1950s, but they increased greatly in the 1960s. The rate of juvenile crime doubled between 1950 and 1960.

MAJOR LEGISLATIVE DEVELOPMENTS

Before passing the Juvenile Justice and Delinquency Prevention Act of 1974 (see ch. 6), the Congress addressed the juvenile delinquency problem through several acts, including the Juvenile Delinquency and Youth Offenses Control Act of 1961 (Public Law 87-274), which gave the Secretary of Health, Education, and Welfare (HEW) responsibility for providing categorical grants to communities, institutions, and agencies to plan and initiate innovative demonstration and training programs. Emphasizing prevention as well as control, these programs included subsidized work training for out-of-school, out-of-work youth; school programs for the disadvantaged; university-based training programs; and community-based correctional programs.

The act was extended in 1964 and 1965. As it became clear that the Office of Economic Opportunity was developing a program which used similar concepts, most of the demonstrations were transferred to its antipoverty program. Appropriations under the act during fiscal years 1961-67 were \$47 million.

Because of the continued increase in crime and delinquency, resources for juvenile delinquency programs were increased in 1968 through the enactment of (1) the Juvenile Delinquency Prevention and Control Act of 1968 (42 U.S.C. 3811), administered by the Secretary of HEW, and (2) the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3701), which established the Law Enforcement Assistance Administration (LEAA) in the Department of Justice.

Juvenile Delinquency Prevention and Control Act of 1968

Under this act, HEW was to provide assistance for a wide range of preventive and rehabilitative services to delinquent and predelinquent youth, with emphasis on new kinds of community-based programs. The legislation was intended to be administered as part of an integrated network of anti-poverty, antislavery, and youth programs which were to coordinate all Federal juvenile delinquency efforts and provide national leadership in developing new approaches to the problems of juvenile crime.

Omnibus Crime Control and Safe Streets Act of 1968

This act authorized LEAA to administer a block grant-in-aid program to provide financial and technical assistance to States and local units of government to improve and strengthen law enforcement. LEAA originally viewed its role in juvenile delinquency prevention and control as a limited one because the act did not specify the extent to which it was to address the problem and because of HEW's involvement in the area. Although juvenile delinquency was not specifically mentioned, "law enforcement" was defined in LEAA's act to include "all activities pertaining to crime prevention or reduction and enforcement of the criminal law."

The 1971 amendments to the 1968 act specified that LEAA focus greater attention on juvenile delinquency by redefining law enforcement to include "programs relating to the prevention, control, or reduction of juvenile delinquency * * *." They also authorized funding for the "development and operation of community-based delinquent prevention and correctional programs * * * and community service centers for the guidance and supervision of potential repeat youthful offenders."

The amendments also added a new part to the act which pertained to correctional improvements. To qualify for funds, a State must file a comprehensive plan which, among other things

"provides satisfactory emphasis on the development and operation of community-based correctional facilities and programs, including diagnostic services, halfway houses, probation, and other supervisory release programs for pre-adjudication and postadjudication referral of delinquents, youthful offenders, and first offenders, and community-oriented programs for the supervision of parolees * * *."

The Crime Control Act of 1973 (42 U.S.C. 3701), required LEAA to place even greater emphasis on juvenile delinquency. For the first time, the enabling legislation of LEAA specifically referred to juvenile delinquency in its statement of purpose. It also required for the first time that each State include a juvenile delinquency component in its comprehensive State plan as a condition for receiving LEAA funds.

result of the 1973 act and congressional concern, LEAA accelerated its national juvenile delinquency effort. Near the beginning of 1974, LEAA established a Juvenile Justice Division within its Office of National Priority Programs to develop new and innovative programs. Juvenile justice and delinquency prevention is now one of LEAA's four top national priorities. Also, LEAA created a Juvenile Delinquency Division within its National Institute of Law Enforcement and Criminal Justice to expand the level of delinquency research and sharpen the focus on delinquency prevention.

FEDERAL PROGRAMS APPARENTLY AFFECTING JUVENILE DELINQUENCY

The major direct Federal efforts to prevent and control juvenile delinquency are concentrated in HEW's Office of Youth Development and in LEAA as a result of specific mandates. However, other Federal agencies apparently are involved. In 1971 the Congress gave all Federal coordinating responsibilities to the Interdepartmental Council to Coordinate All Federal Juvenile Delinquency Programs. (See p. 22.) In its fiscal year 1973 annual report, the Council identified 11 Federal agencies, including the Office of Youth Development and LEAA, that administered 116 programs which it believed directly or indirectly related to juvenile delinquency or youth development.

Our review concentrated on the activities and programs of the five Federal agencies the Council identified as being most directly involved--the (1) Office of Economic Opportunity, (2) Department of Labor, (3) Department of Housing and Urban Development (HUD), (4) HEW, and (5) Department of Justice. A description follows of the nature of these agencies' involvement in the juvenile delinquency and youth development area primarily as provided by them to the Council.

Indirect efforts

Office of Economic Opportunity

The Office's overall mission is to reduce poverty; youth development is secondary. In 1964 neighborhood

community action agencies were established to administer grants for social programs. Later, youth development programs were established to operate in communities through the agencies. In addition, the Office established neighborhood legal centers which provided legal services to low-income people, including juveniles.^{1/}

Department of Labor

The Department of Labor provides counseling, on-the-job training, vocational training, job placement, and supportive services to youth to increase their employability. The Department funds two programs specifically designed to provide employment assistance to youth--the Neighborhood Youth Corps and Job Corps. Both programs deal with youths aged 14 to 22. The Neighborhood Youth Corps offers paid work experience to enable youths to remain in school, to return to school, or to improve their employability. The Job Corps trains young people to become more responsible, employable, and productive citizens. Its primary emphasis is on preparing for work, acquiring skills, and moving into meaningful jobs.

In December 1973 the Comprehensive Employment and Training Act was passed. This act placed additional emphasis on youth by authorizing funds to provide services to special manpower target groups, including youth and youthful offenders.

HUD

Although HUD has not been legislatively mandated any specific juvenile delinquency and youth development role, the enabling legislation of one of its major programs at the time of our review specifically referred to delinquency. Model Cities, a program of Federal financial and technical assistance, is designed to enable local government units to attack the social, economic, and physical problems of decaying urban neighborhoods. Through a locally developed and implemented plan, available efforts and resources are to be coordinated and concentrated into a comprehensive program to demonstrate methods for improving urban life. One of the program's statutory goals is "to reduce the incidence of crime and delinquency."

^{1/}On January 4, 1975, Public Law 93-644 extended the community action program under the administration of the Community Services Administration, the successor to the Office. It also authorized specific programs for low-income youth. A separate legal services corporation assumed the legal programs mentioned above.

There are 147 units of local government in 45 States that determine the amount of HUD funds that will be allocated to preventing, treating, or controlling juvenile delinquency under their respective programs. The kinds of projects assisted vary according to each city's locally determined needs and include youth service bureaus, group foster homes, police juvenile aid bureaus, teen centers, and public defenders for juveniles.

After our review, the Model Cities legislation expired and the Housing and Community Development Act of 1974 was passed. Communities currently involved in a Model Cities program will be funded through completion of their fifth action year, after which time the funding will be phased out. The new act may be placing less emphasis on juvenile delinquency than did the previous legislation. The new law's statement of purpose does not specifically mention delinquency. In describing the program activities eligible for assistance, the act limits the amount of HUD funds that may be used for public services and facilities, including those concerned with crime prevention, child care, health, drug abuse, education, welfare, and recreation needs. These services may be provided only when not available under other Federal laws or programs.

HEW

HEW is the primary Federal agency whose programs are directed to predelinquent youth. The programs generally involve home, school, recreational, and employment aspects of youth development. Some provide special services to youths, including personal counseling, psychiatric and medical assistance, drug treatment, or referral to other social agencies equipped to provide such services. Also, programs of income maintenance, rehabilitation, and medical and social services are provided through State agencies to the aged and aging, children and youth, needy families, and the disabled.

Within HEW, the Office of Education; the Alcohol, Drug Abuse, and Mental Health Administration; the Social and Rehabilitation Service; and the Office of Youth Development carry out these activities. The Office of Youth Development is the only agency specifically mandated to prevent juvenile delinquency.

Office of Education

The bulk of the Office of Education's funds are directed toward improving the Nation's public school systems. However, the Elementary and Secondary Education Act of 1965 includes provisions aimed directly or indirectly at reducing the

dropout rate. If it is assumed that some of the dropouts and potential dropouts may become delinquents, vocational education is providing opportunities for those youth in school and those out of school to come back to school, take short courses in concentrated areas of study, and leave school better prepared for immediate employment. State and local correctional institutions also receive grants for education as part of a total rehabilitation program for delinquent or neglected children and youth.

Alcohol, Drug Abuse, and Mental Health Administration

This Administration conducts programs which affect youth and delinquency in varying degrees and include the study of alcohol and drug problems linked to juvenile crime. The National Institute of Mental Health, through its Center for Studies of Crime and Delinquency, is the agency specifically involved with juvenile delinquency. Its program is concerned with preventing, controlling, and treating deviant behavior which may be defined either as mental illness or as violations of the criminal law. It recognizes that delinquent and criminal behaviors stem from interaction of biological, psychological, socioeconomic, and other factors. Whether or not a particular pattern of behavior is considered deviant, delinquent, or criminal depends on societal norms, reactions, and an administrative judgment.

Major Institute activities relating to juvenile delinquency are carried out through its support of research and training grants, research fellowships, and community mental health centers. Its research is designed to improve the understanding of the biological, psychological, and social forces that affect behavior. It is also concerned with improving treatment strategies, particularly community-based approaches, for juvenile delinquency and crime problems. The Institute also supports the development and evaluation of educational models aimed at training a variety of personnel dealing with youth and delinquency problems.

Direct efforts

Office of Youth Development

HEW's Office of Youth Development administers the Juvenile Delinquency Prevention and Control Act as amended in August 1972. The Office of Youth Development was created April 1, 1973, as part of the Office of the Assistant Secretary for Human Development and incorporated the former Youth Development and Delinquency Prevention Administration from the

Social and Rehabilitation Service which had been established to administer the 1968 act, as well as two other HEW offices.

The Office of Youth Development has created what it calls a national strategy for youth development that focuses on social institutions rather than on persons. This differs from most treatment-oriented approaches to delinquency prevention.

National strategy

Very generally, the strategy suggests that negative consequences result when youth do not feel good about their own accomplishments and that youth often feel unsuccessful because they have been labeled as losers--people who do not and cannot do things well. Such labeling occurs in the home, school, and community. These labels tend to persist through a variety of settings and affect youth's actual ability to achieve.

As a result of negative labeling and the problems with finding roles in which they find a sense of accomplishment and pride, youth are often estranged and alienated from the mainstream of American life and frequently begin to experiment with activities that lead them further away from healthy, law-abiding lifestyles. Because of this, the national strategy for youth development focuses on preventive efforts earlier in the causal chain than do traditional person-centered treatment programs; that is, it deemphasizes the remedial treatment of persons who have been negatively affected by institutions and stresses the need to change institutional structures and practices identified with such effects.

The design, however, is not to eliminate person-centered treatment. Such treatment and institutional change are parts of a whole, and any serious attempt to change deviancy rates requires an understanding of this concept. The national strategy for youth development recognizes the institutional impact on the creation of deviance and attempts to rectify any imbalances occurring in programs dealing with delinquency prevention. The national strategy has identified (1) limitation or denial of access to acceptable social roles, (2) premature, negative, or inappropriate labeling, and (3) social alienation as variables contributing to delinquent behavior.

To implement the national strategy, the Office of Youth Development is providing categorical grants to State and local grantees to develop coordinated youth-service systems. These systems may consist of a central coordinator and a network of local youth-serving agencies. The coordinator may also provide services. A system's main function is to coordinate and integrate (when appropriate) diverse, autonomous youth-service

agencies. About 100 youth-service systems are now in various phases of development.

The Office generally relies on existing community youth services. According to its Commissioner, the Office "seeks to enhance the capacity of the local community to more effectively support the favorable development of all youth through the interrelated vehicles of coordination and institutional change." The focus is on youth-serving agencies and personnel rather than on the individual youth in need of assistance. A coordinated youth-service system requires the active participation, support, and power of individuals in public and private agencies at the State, county, and local levels. The system, in the final analysis, will provide the services that will better meet the needs of individual youth.

Department of Justice

LEAA, as previously mentioned, is the principal Department of Justice agency that deals with juvenile delinquency. Its enabling legislation provides for State criminal justice planning agencies to manage the block grant funds provided the States. Each State planning agency must develop, with advice from local or regional planning units, a State plan indicating how it will try to prevent or reduce crime, including juvenile delinquency.

After LEAA reviews and approves the State plan, it awards the State a block grant to implement it. The amount of funds received is based on population. LEAA can also award certain funds, at its discretion, directly to governmental units or nonprofit organizations to promote national issues.

LEAA-funded projects can be categorized as prevention, diversion, rehabilitation, upgrading resources, drug abuse, and Impact Cities programs. The prevention projects center around community involvement with youth and youth programs and can include community centers, counseling services, crisis intervention centers, education, and public relations activities. Diversion projects include mental health centers, alternative educational systems, temporary foster homes, youth service bureaus, and tutoring services. Rehabilitation projects include residential centers, probation and parole programs, community detention programs, and community-based counseling services.

Emphasis of Federal funding of juvenile delinquency activities

The Senate Committee on Labor and Public Welfare in 1968 and the President's Commission on Law Enforcement and

CHAPTER 3DIFFICULTIES IN DETERMININGSPECIFIC FEDERAL IMPACTOF JUVENILE DELINQUENCY ACTIVITIES

The extent of Federal impact on juvenile delinquency is difficult to precisely determine because, for the most part, Federal programs which might have had a positive effect have not been administered with that specific intent. Because officials have not been aware of their programs' relationships in this area, no effective strategy has been developed and implemented to coordinate Federal efforts.

LACK OF AWARENESS

The Juvenile Delinquency Prevention and Control Act of 1968, as amended, required all Federal juvenile delinquency programs to be coordinated, but it did not define the term "juvenile delinquency program." No Federal executive agency had developed a definition or criteria to be used to select and designate particular Federal programs as juvenile delinquency programs.

The Interdepartmental Council, through information compiled under contract with the Bureau of the Census, developed a directory of Federal juvenile delinquency and youth development programs, but its definition was so broad that it included all of the possible resources that could conceivably be brought to bear on the problem. In effect, its philosophy was that prevention begins at preschool age. It defined "juvenile" as persons between 1 day and 24 years of age.

In developing the directory of programs, the Council grouped similar youth programs from different agencies to identify all of the programs which covered a particular need and to point out overlaps and gaps. The programs have been put into such categories as general youth improvement, high-risk youth, and delinquent youth. Apparently, all of the programs can affect youth in some way and at various stages of their lives, but their significance to juvenile delinquency, if any, is not known. Little has been done to determine the programs' impact, significance, or relationship to any aspect of the juvenile delinquency problem; to develop any action plans; and to notify the administrators at all levels of government of the action.

Using the directory as a guide, we asked appropriate Federal officials about their programs' relationship to juvenile delinquency. Most were not aware of the directory of programs. They believed that most of the listed programs and/or their programs did not significantly affect juvenile delinquency. Some could not see any relationship.

Many Federal officials we talked to did not administer their programs with intent of affecting the juvenile delinquency problem, unless the programs were specifically established for that purpose. Many of the five agencies' officials were unaware of what their programs' roles in preventing or controlling juvenile delinquency could or should be. For example, Office of Education officials considered their personnel and programs to be youth development related for educational improvement. They told us that, except for the Program for Neglected and Delinquent Children in State-Operated or Supported Institutions, no Office of Education programs were designed or administered specifically to affect or reduce juvenile delinquency. Officials stated, however, that the results of programs could indirectly affect juvenile delinquency prevention by, for example, reducing school dropouts.

Social and Rehabilitation Service officials said their programs are not intended to deal specifically with youth development or with juvenile delinquency but that they could be considered to prevent delinquency or rehabilitate delinquents. This, however, would be an indirect benefit.

The Associate Regional Health Director for Mental Health in the Alcohol, Drug Abuse, and Mental Health Administration in Denver estimated that, although about 25 percent of the staff's time was related to youth activities, this effort was not specifically intended to affect juvenile delinquency. Administration officials said all mental health centers should help prevent delinquency, but they are not aware of the extent or type of effect their programs have on the problem.

A HUD headquarters official believed that none of HUD's programs involved any direct efforts or activities to prevent or control juvenile delinquency, although youth development and criminal justice are a necessary component of HUD's assigned goal of helping upgrade urban life. In contrast, a Boston HUD official believed that the Model Cities program significantly affected the juvenile delinquency problem.

We believe that all government officials should be more aware of their role in the remediation of juvenile delinquency. Strategies should be developed to provide guidance and resources to State and local governments.

LACK OF UNIFORM DEFINITIONS

In implementing programs or projects, generally no attempts were made to classify how a project or program affected juvenile delinquency; that is, whether it focused on prevention, rehabilitation, or diversion. Except in LEAA and the Office of Youth Development, these terms had little impact on Federal officials' decisions in managing programs related to juvenile delinquency. LEAA regional-office officials did not use these terms as a management tool in approving State plans, although LEAA provided this type of information at the national level.

All levels of government lacked uniform definitions for such terms as juvenile, juvenile delinquent, prevention, and diversion. Some agencies had formalized definitions, and some had no definitions at all.

Although the ultimate goal in preventing and controlling juvenile delinquency is to insure that youth's needs are adequately provided for, the availability of generally accepted definitions might help agencies provide services more effectively because program administrators would be more aware of whom they are trying to reach and of their program goals. It would also be useful in developing informational systems so that activities pertaining to juveniles could be uniformly reported.

POSSIBLE OVERSTATEMENT OF FEDERAL INVOLVEMENT

Ostensibly, a considerable amount of Federal funds is available for youth development and/or juvenile delinquency programs. The Interdepartmental Council has estimated that as much as \$12 billion has been spent on youth development or juvenile delinquency. However, most of this appears to be only tangentially related to delinquency.

There are programs in the Interdepartmental Council's directory that can be considered juvenile delinquency related only by using the very broadest interpretation. For instance, the Office of Education in HEW administered a program to assist low-income and physically handicapped students with academic potential to initiate, continue, or resume their postsecondary education. Because of its definition of "juvenile," this and some of the other programs in the directory affect older youth rather than those normally considered as juveniles. In Denver, HEW's Office of Education in fiscal year 1973 funded 26 programs considered by the Interdepartmental Council to be related to youth and delinquency prevention. Funds for these programs went to 21 separate grantees, 13 of which were either business schools, colleges,

universities, or parochial seminaries. The age of students at these schools was 18 and above, which is beyond the general statutory age of 17 for juveniles. Therefore, these 13 programs appear to have no significant relationship to the prevention and control of juvenile delinquency.

Another indication of the Federal Government's impact on juvenile delinquency is the number of juveniles actually being served by a federally funded program. A nationally defined juvenile delinquency program must be determined to be actually affecting local youth. Many of the programs that could be considered as juvenile delinquency programs at the national level may not exclusively or significantly deal with juveniles. Statistics on the number of juveniles served may not be available.

For example, in fiscal year 1973, the Alcohol, Drug Abuse, and Mental Health Administration provided funds to seven grantees under three Denver mental health programs which the Interdepartmental Council considered to be related to youth development and delinquency prevention. The Director of the Division of Mental Health, Colorado Department of Institutions, said mental health services and Federal funds for services are not generally available unless a youth has been arrested or adjudicated as a delinquent. Information on the number of youth actually treated by the Denver mental health centers was not available.

We contacted five of the seven grantees to determine how their programs were related to youth development or juvenile delinquency. The grants provided services to persons aged 1 day to 85 years. The grantees did not know the extent to which the programs were related to juvenile delinquency prevention, and some grantees did not believe the programs had any relationship to it.

Officials at two major hospitals in Denver said they could not determine the number of youth served or whether the mental health programs had direct or indirect impacts on preventing or controlling juvenile delinquency. A spokesman for another hospital told us that the program he was operating, funded by the Alcohol, Drug Abuse, and Mental Health Administration, had no relationship to youth development or juvenile delinquency prevention.

EVALUATION

Little is known about (1) which Federal programs affect juvenile delinquency and (2) the impact and its extent. As indicated previously, many Federal administrators do not see their programs' roles in juvenile delinquency. As a result,

they neither administer their programs with the intent to affect specific aspects of the juvenile delinquency problem nor generally emphasize juveniles.

Except at LEAA and the Office of Youth Development, Federal officials in the regional offices said their headquarters offices had not given them any guidance or direction indicating their programs' relationship to juvenile delinquency. Although their programs could have had impacts, the officials were not aware of the extent and type.

The agencies generally did not evaluate their programs to determine their effects on preventing and controlling juvenile delinquency. If those whose programs dealt mainly with youth evaluated their programs at all, they did not do so in terms of their effectiveness and impact on the problem. Other agencies whose programs were geared to the general population usually did not determine the impact on youth or delinquency.

The Boston and Denver LEAA regional offices did not evaluate juvenile delinquency projects but required the State planning agencies to do so. Although Boston officials made an occasional financial audit, they said they did not have the resources to evaluate their projects. Although the State planning agencies evaluated juvenile delinquency projects, the LEAA Chief of Operations said that the evaluations needed improvement. In Denver, final reports on juvenile delinquency projects from the State planning agencies had not been completed and received.

One official said that, in general, evaluation of all Social and Rehabilitation Service programs is weak. Programs are not evaluated to determine whether they affect juvenile delinquency. He said HEW has never evaluated one program designed to develop preventive or protective services which will prevent the neglect, abuse, exploitation, or delinquency of children. However, we are reviewing the program.

The Interdepartmental Council, through its Evaluation Task Force, contracted with the Bureau of the Census to conduct a comprehensive governmentwide study to describe selected Federal juvenile delinquency and youth development programs and evaluations of them. The study was conducted on fiscal year 1971 program and project information.

Although the study did not assess the quality of program evaluations, the results indicated that they varied in quality and quantity from program to program and from agency to agency. The Census staff noted that the approaches of only a few of the 148 evaluations submitted by the agencies were objective

and scientific. The study indicated that the overall program evaluation effort for Federal juvenile delinquency and youth development programs was substantial; however, there was little interagency coordination and participation in evaluation efforts. The study showed that, compared with other Federal agencies' evaluations, LEAA's tended to focus more on programs aimed at incarcerated offenders and at delinquent youth.

The National Council on Crime and Delinquency noted in 1972 hearings before the Senate Judiciary Subcommittee to Investigate Juvenile Delinquency that, although millions of dollars from LEAA have been spent to reduce crime and delinquency, no more was known in 1972 than in 1969 about what were the most effective crime reduction programs. The Council's Research Center estimated that an adequate research and evaluation design would represent, at most, 14 percent of the cost of any program. The Census study indicated that the cost of Federal-level program evaluation is typically less than 1 percent of the total program funding.

In discussing the evaluation of juvenile delinquency prevention programs, a report of the Task Force on Juvenile Delinquency of the President's Commission on Law Enforcement and Administration of Justice points out that a serious need exists for research on both individuals and society--including the family, school, labor market, recreation, courts, and corrections. Potentially hundreds of kinds of programs can be suggested, and hundreds have been operated to prevent delinquent behavior. The overwhelming need is to find out how well they work. Only by evaluating their outcomes, comparing their effectiveness, discarding those that do not work, and giving greater support to the successes, can society begin to make real inroads on the problem.

The report adds that, in measuring the effectiveness of a prevention program, the issues confronting evaluation are not really technical but center on the

- resistance to evaluation by program practitioners and supporters;
- limitation of evaluation to the specific current features of the program, thus making generalizations to other contexts difficult;
- choice of indicators that mark program success;
- piecemeal, relatively haphazard way evaluation has been conducted; and

--conclusions of sound studies being ignored.

Decisions about the future of programs are affected by organizational self-protection, ideological fashion, practitioner defensiveness, and a host of other factors unrelated to program outcomes.

Although we did not evaluate any of the programs or projects of the five agencies reviewed, we recently issued a report on "Difficulties of Assessing Results of Law Enforcement Assistance Administration Projects to Reduce Crime" (B-171019, Mar. 19, 1974). Two of the four types of LEAA projects we reviewed--youth service bureaus and group homes for juveniles--pertained to juveniles. Common difficulties involved in trying to assess the impact of the four types of projects were:

--No standards or criteria for success rates had been established.

--Similar projects did not maintain adequate and comparable data.

--Project evaluations used different techniques and different information sources and had different scopes. Moreover, most evaluations did not present data on project effectiveness and, for those that did, the evaluators had no nationally acceptable standards or criteria to use in evaluating project achievement.

Without comparable data, adequate standards and criteria cannot be developed and objective decisions cannot be made. Our report made recommendations for improving LEAA's evaluation efforts.

In its multiagency study, the Census staff encountered similar difficulties in identifying the universe of Federal involvement in juvenile delinquency and youth development programs and projects and the extent to which they had been evaluated. They found that Federal departments and agencies had virtually no standardized collection of information on juvenile delinquency and youth development projects. They encountered differing policies on the location of program and project information. A wide variety of formats--ranging from computer printouts and worksheets to State plans, project files, and grant books--was used to record data. Even when the same data was collected, different definitions were often used. In short, they concluded that anyone seeking standard information on juvenile delinquency or youth development programs and projects throughout the Federal Government faces a virtually insurmountable problem.

CHAPTER 4

FEDERAL ATTEMPTS TO COORDINATE

JUVENILE DELINQUENCY ACTIVITIES

A national strategy has not been developed to focus the Nation's resources in a concerted effort to prevent and control juvenile delinquency. Officials administering many health, education, social, welfare, and employment programs generally are not aware that their programs may affect juvenile delinquency, either alone or in conjunction with other programs.

No Federal agency has identified the most significant causes of juvenile delinquency, determined the resources available for combating them, developed a plan to implement a strategy to address one or more aspects, or informed the pertinent agencies' officials of efforts to make an impact on the problem. Any accomplishments thus far have been made in isolation and not as part of an ongoing national strategy to prevent and control the problem.

Other than the efforts of LEAA and some HEW agencies, few identifiable attempts are being made to address the problem directly. The Federal Government's major strategy to prevent juvenile delinquency apparently has been to rely on the myriad of antipoverty and social welfare programs to hopefully make a significant impact.

The Juvenile Justice and Delinquency Prevention Act of 1974 should make it easier to address these issues because it assigned the responsibility for all Federal efforts to a new Office of Juvenile Justice and Delinquency Prevention in LEAA. The Office's objective is to achieve a coordinated and integrated Federal, State, and local juvenile delinquency prevention and control program. (See pp. 51 to 53.)

EARLIER COORDINATION EFFORTS

As early as 1948, the Federal Government attempted to coordinate its juvenile delinquency programs, but these efforts met with apparently little success. In that year, the Interdepartmental Committee on Children and Youth was created to coordinate Federal agencies engaged in youth programs. In 1961 the President's Committee on Juvenile Delinquency and Youth Crime was established and charged with coordinating the Federal antidelinquency effort and recommending innovative policies, programs, and legislation. However, it failed to provide the impetus for coordinated planning and funding of Federal programs.

The Juvenile Delinquency Prevention and Control Act of 1968 made the Secretary of HEW responsible for coordinating all Federal activities in juvenile delinquency, youth development, and related fields and for providing national leadership in developing new approaches to juvenile crime problems. However, the Secretary did not adequately fulfill his responsibilities. The HEW annual report released in March 1971 concluded that there was

"* * * little coherent national planning or established priority structure among major programs dealing with the problems of youth development and delinquency prevention * * *. The present array of programs demonstrates the lack of priorities, emphasis, and direction in the Federal Government's efforts to combat delinquency."

In commenting on HEW's administration during consideration of the 1971 amendments to the 1968 act, House and Senate committees noted that reasons for this failure included (1) HEW's failure to request more than small proportions of the amounts authorized by the Congress and (2) inadequate administration. In fiscal year 1970, for example, \$50 million was authorized; however, only \$15 million was requested and only \$10 million appropriated. In fiscal year 1971, \$75 million was authorized, \$15 million requested, \$15 million appropriated, and about \$8.5 million spent. In contrast, LEAA spent about \$70 million for juvenile delinquency in fiscal year 1971. From 1968 to 1971 HEW requested only \$49.2 million of a total authorized \$150 million. Except for that spent on State comprehensive juvenile delinquency planning, the funds were spread throughout the country in a series of underfunded, and generally unrelated, projects.

One of the major problems in administering the 1968 act was confusion of the roles of HEW and LEAA in juvenile delinquency because the scope of their two acts overlapped somewhat. Under the 1968 act, HEW was to assist States in preparing and implementing comprehensive State juvenile delinquency plans. At the same time, the Safe Streets Act authorized LEAA to make block grants to the States to address all criminal justice problems, including juvenile delinquency. With its vastly larger resources, LEAA soon became dominant in criminal justice planning.

In 1971 the Secretary of HEW and the Attorney General redefined their roles. They agreed that each State should develop a single comprehensive criminal justice plan which would comply with the statutory requirements of both acts. HEW was to concentrate its efforts on prevention and rehabilitation programs administered outside the traditional juvenile

correctional system, while LEAA was to focus its efforts on programs within the system.

In 1971 the Congress agreed to extend for 1 year the Juvenile Delinquency Prevention and Control Act of 1968 to allow HEW to (1) refocus its program by funding preventive programs principally for youths who had not entered the juvenile justice system, (2) improve its administration of the act, including eliminating the maze of conditions required of applicants for funds, and (3) coordinate its overall efforts. The Congress found that HEW was not providing the national direction and leadership intended by the legislation. To facilitate coordination of all Federal juvenile delinquency programs, the legislation authorized the establishment of an interdepartmental council.

In 1972 the Juvenile Delinquency Prevention and Control Act of 1968, as amended, was extended until June 30, 1974. The new role of HEW's program was to fund preventive programs, involving schools, in local communities which showed the greatest need for assistance. HEW was to develop coordinated youth services systems, whose administration the Congress was to review in assessing HEW's role in juvenile delinquency.

About this time the Federal regional concept was also established to decentralize programs and program administration and also provide a mechanism for coordination among Federal departments at the regional level with national goals and policies to be set in Washington with State and local input.

THE INTERDEPARTMENTAL COUNCIL

The Interdepartmental Council to Coordinate All Federal Juvenile Delinquency Programs was established in July 1971 by amendment to the 1968 Juvenile Delinquency Prevention and Control Act. Membership on the Council, as designated by the President, included representatives from the Departments of HEW, Justice, Labor, HUD, Interior, Transportation, Agriculture, the Office of Economic Opportunity, the Special Action Office for Drug Abuse Prevention, and the Office of Management and Budget.

In addition, representatives from District of Columbia City Council, Veterans Administration, ACTION, the White House, National Institute of Mental Health, Office of Child Development, Department of Defense, and the Bureau of Prisons were invited to be ex-officio members. The President designated the Attorney General as Chairman of the Council. The Attorney General in turn named the LEAA Administrator as Chairman-Designate.

As outlined at its first meeting, the Council's goals were to (1) coordinate all Federal juvenile delinquency programs at all levels of government and (2) search for answers that would immediately affect the prevention and reduction of juvenile delinquency and youth crime. To date, the Council has not met its mandate to coordinate all Federal juvenile delinquency programs.

Council accomplishments

Except during fiscal year 1972, the first year of its operation, the Council accomplished little other than developing and submitting its annual report to the Congress. In fiscal year 1972, the Council met 12 times, during which it:

- Conducted a juvenile delinquency training session for its members.
- Developed proposed national policy objectives.
- Contracted with the Bureau of Census to identify the universe of Federal juvenile delinquency and youth development programs and the evaluations conducted on them.
- Aided the Youth Development and Delinquency Prevention Administration, which was to coordinate interagency efforts in LEAA's Impact Cities program by (1) providing leadership in developing a youth component in the program by assisting in the planning of LEAA's portion of the community system in the rehabilitation of youthful offenders, (2) coordinating existing and planned Council member agency-funded programs in each city, including both juvenile delinquency and youth development programs, and (3) identifying program gaps in each community system and developing and implementing strategies to fill the gaps.
- Contracted for (1) a study of the management of Federal juvenile delinquency programs and (2) the development of a directory of all major Federal programs.
- Studied existing coordinating mechanisms that might be used to coordinate the planning, funding, evaluation, and technical assistance functions of all Federal juvenile delinquency efforts.
- Held public hearings on its proposed national policy objectives and coordination mechanisms and strategies.

During fiscal year 1973, the Council failed to fulfill its mandate of meeting at least six times annually; it met only on September 18, 1972, and May 29, 1973. No program activity occurred during that year. The Council did little until January 1974, when LEAA initiated efforts to revitalize it. From February through June 1974, the Council convened six times to fulfill the required meetings for fiscal year 1974. Generally, these meetings focused on the Council's revitalization, but the 1974 act preempted most of these efforts.

Reasons for ineffectiveness

The lack of adequate funds and staff and the Council's uncertainty about its authority to coordinate Federal juvenile delinquency efforts impeded its coordination attempts.

Funding

The Interdepartmental Council had to rely on resources provided by its member agencies. During its first year of operation, the Council members agreed to the following.

- The five agencies with major involvement in juvenile delinquency (LEAA, Youth Development and Delinquency Prevention Administration, the Department of Labor, HUD, and the Office of Economic Opportunity) would set aside \$100,000 each for approved contracts or programs, and the three departments with less responsibility (Interior, Agriculture, and Transportation) would each set aside \$50,000.
- LEAA would provide space, overhead and operating cost for the core staff, the staff director, legal counsel, and public information and other needed services.

The Council found it difficult to meet its financial responsibilities under this method of funding. Initial confusion concerned what each agency could or could not fund with its contribution to the Council.

Getting funds from member agencies for Council contracts proved to be a major undertaking. For example, the Census Bureau was not reimbursed for work it had done under contract until over a year beyond the due date. Eventually, LEAA had to pay for HUD's share (\$18,000) of the contract cost.

Staffing

The members agreed that the Council's initial staffing by the five major agencies would consist of one professional person each, and the other three agencies would provide one secretary each. The Department of Justice provided a staff director and three line staff.

As it turned out, the member agencies generally did not appoint people with decisionmaking authority to the Council, which contributed to its failure in achieving its proposed programs. Several officials who worked on the Council stated that, because most of the designated Council members were midlevel executives, they could not speak for their agencies nor commit funds for Council activities.

The Council found it difficult to maintain the continuity of its Chairman, members, and staff. The Council Chairman has continuously been the LEAA Administrator, as designated by the Attorney General. Since inception of the Council in 1971, there have been 5 different Attorney Generals, and 8 of the 10 member agencies have changed their designated representatives from 1 to 3 times. After the first year of operation, the support staff donated by the member agencies dissipated. The agencies continuously resisted Council requests to furnish staff.

Lack of authority

The Juvenile Delinquency Prevention and Control Act of 1968, as amended, stated that the Interdepartmental Council's function was to coordinate all Federal juvenile delinquency programs and prepare an annual report on all Federal juvenile delinquency and youth development activities and related fields. But the act did not indicate what authority the Council was to have to coordinate the agencies' activities. Congressional intent was to have the Council meet regularly to review the various agencies' efforts in combating juvenile delinquency and make certain the overall Federal effort was coordinated and efficient.

After its first year of operation, the Council concluded that it had identified a number of major problems and policy issues which required White House guidance. In a February 7, 1973, memorandum to the White House, the Council sought guidance on:

--Proposed national policy objectives and specific agency objectives for both short- and long-term impacts on the juvenile crime problem.

--A proposed restructuring of the Council which would give it authority to implement the proposed objectives, insure the support of its constituent agencies, and provide it with permanent staff and funding support.

--The drafting of major juvenile delinquency legislation.

The White House did not act on this request for guidance.

FEDERAL REGIONAL COUNCILS

Another mechanism available to the Federal Government for coordination is the Federal regional councils, established in 1972 in the 10 standard regions to develop closer working relationships between Federal grantmaking agencies and State and local governments and to improve coordination of the categorical grant-in-aid system. Each Federal regional council was to be a body within which participating agencies, under general policy formulated by the Under Secretaries Group for Regional Operations, were to jointly conduct their grantmaking activities by:

--Developing short-term regional interagency strategies and mechanisms for program delivery.

--Developing integrated program and funding plans with Governors and local chief executives.

--Encouraging joint and complementary grant applications for related programs.

--Expediting resolution of interagency conflicts and coordination problems.

--Evaluating programs in which two or more member agencies participate.

--Developing long-term regional interagency and intergovernmental strategies for resource allocations to better respond to States' and local communities' needs.

--Supervising regional interagency program coordination mechanisms.

--Developing administrative procedures to facilitate day-to-day interagency and intergovernmental cooperation.

Each council is headed by a chairman designated by the President from among the regional heads of member agencies. A council chairman may invite the regional head or other appropriate representative of a nonmember agency to deliberate when the council considers matters significantly affecting the interests of that agency.

Representatives of the Office of Management and Budget serve as liaisons between it and the councils and participate in council deliberations. They are primarily responsible for carrying out the Office's role as general overseer and monitor of interagency and intergovernmental coordination efforts within the executive branch. They are also expected to support the council system and help make it more effective by assisting the chairmen and councils as necessary and by generally helping to expedite and facilitate solutions to interagency and intergovernmental problems.

The councils provide a structure, subject to improvements as noted in a previous GAO report (see p. 29), which should be considered as a possibility in coordinating juvenile delinquency efforts. However, they have not been used significantly in this area.

Low priority

According to Federal Regional Council System Guidelines, the councils are to formulate initiatives responsive to regional needs on the basis of analyses of regional problems and assessment of available resources. Individual agencies in Washington, D.C., may also initiate assignments, but they must first be reviewed and approved by the Under Secretaries Group. Each council is to prepare an annual workplan. During fiscal year 1974 a management-by-objective approach was introduced.

Neither of the two Federal regional councils we visited regarded juvenile delinquency as a high-priority area. The Boston council, which was chaired by LEAA's regional director at the time of our review, had undertaken only one activity relating to youth development and juvenile delinquency. In November 1973 it sponsored a 1-day seminar on juvenile delinquency prevention, treatment, and control. The seminar, with speakers from the Department of Labor, HUD, LEAA, and HEW, was to inform Massachusetts and regional criminal justice program planners of available federally funded programs. Council officials said that the seminar was not a formal

attempt to coordinate juvenile delinquency efforts. According to LEAA's Massachusetts representative, the seminar was held to make LEAA fund recipients aware of each other's activities to avoid duplication.

Council officials in Boston said they would not consider doing work in juvenile delinquency unless mandated by the Office of Management and Budget. However, at the close of our fieldwork, the representative of the Office of Economic Opportunity said he had been appointed head of a Federal regional council task force to coordinate Federal juvenile delinquency programs. The workplan had been revised and included a task to coordinate Federal juvenile delinquency efforts.

The Mountain Plains Federal Regional Council in Denver has also done little in youth development and juvenile delinquency. Its initial workplan for fiscal year 1973, submitted to the Office of Management and Budget in May 1972, provided for a Committee on Crime Control, Delinquency Prevention, and Offender Rehabilitation.

The committee was created on June 17, 1972, to assist the Mountain Plains council in developing policy and program recommendations aimed at improving State and local governments' capability to address the problems of crime control, delinquency prevention, and offender rehabilitation within their jurisdictions. The committee proposed developing an inventory of all federally funded programs concerning crime and delinquency. The committee was continued in the fiscal year 1974 workplan submitted to the Office of Management and Budget in May 1973 and retained the same objective. Additional planned tasks included:

- identifying problems with existing program delivery systems by evaluating the existing level of integration and coordination of complementary Federal programs and resources aimed at crime, delinquency, and offender rehabilitation and

- evaluating the compatibility and coordination between criminal justice and related program planning systems for crime and delinquency.

After review, the Office of Management and Budget requested the Mountain Plains council to revise the fiscal year 1974 workplan to conform to the management-by-objective format. The committee's activities were not included in the revision, and at the time of our review no committee was dealing with youth or delinquency matters. However, a committee on children and youth was then defining its objectives.

Members of the Committee on Crime Control, Delinquency Prevention, and Offender Rehabilitation told us that it was dissolved in December 1973 because the participants and the Mountain Plains council could not adequately define its role, concept, definitions, and common range of activities. Although the committee had made several proposals and recommendations to the Mountain Plains council, the only council crime and delinquency objective met was the preparation of the "Compendium of Federal Programs Relating to Crime Control, Delinquency Prevention, and Offender Rehabilitation." The Mountain Plains council had 500 copies of the compendium printed, but they were never distributed because many of the Federal categorical programs were being phased out and others were to be converted to special revenue sharing.

The other Federal regional councils also did not give juvenile delinquency a high priority. In March 1974 we asked Office of Management and Budget officials to review Federal regional council workplans and current management by objectives dealing with juvenile delinquency. The Deputy Associate Director for Field Activities replied that

"* * * there has been minimal involvement by the Federal Regional Councils in juvenile delinquency projects * * * due to the inadequate Washington leadership, an absence of national goals and standards in the juvenile delinquency area, the overlap between HEW's Youth Development and Juvenile Delinquency Administration, the President's Council on Youth Development, the Domestic Council and finally the lack of leadership by LEAA at the Regional level."

In September 1972 the Under Secretaries Group approved an LEAA proposal to establish Public Safety Task Forces in each Federal regional council to coordinate the interagency aspect of the Impact program, Comprehensive Offender Program Effort, and juvenile delinquency programs. The task forces were to be comprised of the Office of Economic Opportunity, the Departments of Labor, HEW, and HUD, with LEAA acting as the lead agency. Other agencies would participate as appropriate. In commenting on this coordination effort, the Deputy Associate Director stated that, although juvenile delinquency was one of the three major programs, the task forces concentrated on the Impact program and the Comprehensive Offender Program Effort. He said that inadequate leadership and followup by LEAA at the Washington and regional levels prevented these programs from getting a good start.

In our "Assessment of Federal Regional Councils" report (B-178319, Jan. 31, 1974), which discussed the overall organization and activities of four Federal regional councils, we noted that improvements could be made to make them more effective. We reported that coordinating mechanisms the councils were implementing helped State and local governments to coordinate the administration of Federal grant-in-aid programs; however, these were experimental and reached only a limited number of potential recipients. We pointed out in the report that the councils were impeded from being more effective by such factors as

--member agencies' lack of or variations in decentralized decisionmaking authority,

--limits on the authority of council chairmen, and

--division of time and effort by council members, staffs, and task force members between council and agency affairs.

We recommended that the Under Secretaries Group improve the councils' effectiveness by being more assertive and providing definitive direction and firm support, including prescribing planning and reporting standards, providing for councils' participation in the planning stages of mandated projects, and assuming responsibility for determining the appropriateness of uniformly decentralizing grant programs of Federal agencies.

CHAPTER 5

STATE AND LOCAL JUVENILE DELINQUENCY ACTIVITIES

State and local circumstances were similar to those at the national level:

- Officials of agencies and organizations that had a mandate in the juvenile delinquency area or worked with delinquent or high-risk youth were most aware that their programs could help prevent and control juvenile delinquency.
- No single agency was responsible for implementing a comprehensive strategy to systematically approach the juvenile delinquency problem and coordinate the efforts of agencies serving youth.
- Very little evaluation had been done to determine the programs' impact on the problem.

This situation was due, in part, to the Federal Government's fragmented way of handling the problem. To help fund their activities, the State and local agencies had to respond to the Federal agencies' specific categorical grant programs, each of which had its own objectives, requirements, and restrictions. They could not look to one Federal agency to obtain information on funding and other Federal juvenile delinquency resources. Thus, the State and local agencies had little incentive to coordinate their activities.

Officials in Colorado and Massachusetts said they believed the Federal Government contributed to the fragmented approach to juvenile delinquency prevention and control. The Assistant Commissioner for Children's Services in the Massachusetts Department of Mental Health:

--Stated that the lack of a nationally accepted strategy for juvenile delinquency has contributed to fragmentation.

--Suggested that the Federal Government establish coordinating mechanisms at the Federal level for juvenile delinquency planning and funding and devise an overall strategy on how to approach the problem.

STATE LEVEL

As at the Federal level, Colorado's and Massachusetts' planning and coordination of juvenile delinquency and youth development activities were not centralized.

Lack of comprehensive, coordinated planning and programming

Preventing and controlling delinquency requires a joint effort of law enforcement and social, welfare, and other agencies. This would suggest the desirability of a formal coordinating mechanism to integrate, through planning, all of the relevant programming. Colorado and Massachusetts had little planning across functional lines of effort; health and welfare activities, for instance, were normally not planned and carried out in conjunction with law enforcement activities and vice versa. They need not be in all cases, but when programs of both types of agencies are supposed to affect similar problems, coordination is necessary, especially to prevent duplication.

Colorado

Colorado had four State agencies specifically responsible for addressing juvenile delinquency. HEW had approved and funded three of them, each of whose objectives included identifying and coordinating existing resources for youth and identifying youth's needs and gaps in the resources for those needs. The agencies were the Colorado Office of Youth Development; the Advocacy for Children and Youth, Colorado Coalition; and the Colorado Commission on Children and Youth. The fourth agency, the Colorado Criminal Justice State Planning Agency, received and distributed Federal funds from LEAA.

HEW provided the three agencies with \$311,810 in 1973, as follows:

Office of Youth Development	\$225,000
Colorado Coalition	64,590
Commission on Children and Youth	22,220
Total	<u>\$311,810</u>

The Colorado Office of Youth Development was established as the organizational counterpart of HEW's Federal Office of Youth Development. Although the Office was to establish a State youth services system administrative mechanism and to support the development of a youth service system in Denver, the Federal Office directed it to concentrate its technical assistance effort in Denver. As a result, \$160,000 of the \$225,000 was allocated to Denver and about 80 percent of the Office staff's time was devoted to the Denver youth service system.

According to an official of the National Institute of Mental Health, the project will not be statewide as originally planned because, after work began, the coalition found that the job was too big to do on a State basis. However, the personnel training phase is expected to be conducted statewide, as originally planned.

Children

一、總論：本報告係根據本會所屬各機關、團體、學校、及社會服務機構之業務，分門別類，彙編而成。其目的在使社會大眾，能對本會之業務，有全面之瞭解。

Other State agencies, whose programs might have had an impact on youth and delinquency, had developed State strategies for their functional areas. However, because they were not mandated or instructed to do so, they did not plan their activities with the intent to address any specific aspect of the problem. Any favorable impact on the problem was concomitant to the benefits derived from their operations.

Coordination of planning among the three HEW-funded organizations and the State planning agency has been minimal or nonexistent. The Office of Youth Development had made no input into the State planning agency's comprehensive State plans for the last 4 years, although meetings had been held from 1970 to 1973. The number of meetings, however, had decreased from 40 in 1972 to 4 in 1973. The Office was represented on the LEAA-funded Impact City Youth Development Task Force in Denver. However, the Director of the Office stated that a significant contribution was neither asked for nor made.

The Office's regional program director said that officials of the Denver Anti-Crime Council (see p. 41) initially were interested in reserving about \$230,000 in planning funds to coordinate the Denver youth service system and the Impact Cities program. However, because of differing priorities, the Council withdrew the funds. The regional program director said that this was a good example of how Federal programs get locked into provincial postures to meet legislative or program guideline requirements.

He also said that, although the Office is to coordinate the activities of State youth-serving agencies, nothing tangible beyond the mutual attendance at meetings has occurred. The State agencies which he believes should be coordinated include the

- Department of Education,
- Department of Social Services,
- Department of Health,
- Board for Community Colleges and Occupational Education,
- The Division of Mental Health and Mental Retardation of the Department of Institutions,
- Colorado Commission on Children and Youth, and
- Advocacy for Children and Youth.

The director said the following reasons account for the lack of coordination between the Office and State youth-serving agencies:

- HEW has directed the Colorado Office of Youth Development to concentrate its efforts on the Denver Youth Service System.
- No Colorado statute, executive order, or State mandate sets forth the requirement for coordination, and no sanctions are available to hold State agencies accountable for not coordinating their activities with the youth service systems.
- The State legislature was considering reorganizing the State government.

The director told us that Federal coordination of programs is needed, as well as a logical extension of the coordinated youth service system concept at the State and local levels. He said that Federal funding practices contribute to coordination problems at the State level because:

- Some funds go directly from Washington to the State and other funds go to the Federal agencies' regional offices.
- Federal categorical grant programs are administered by function, such as health, education, welfare, and

criminal justice, and each program has separate policies, guidelines, and regulations.

- Federal programs create competition for talent at the State and local levels because of salary differentials among programs and differences in the amount of program funds.
- Federal programs have conflicting strategies. For example, the youth service system concept is attempting to coordinate existing services, while Impact Cities projects are creating new services which may duplicate those already available.

The Commission on Children and Youth had not been very effective since its inception because of uncertainties about its role, confusion over responsibilities in relationship to such other agencies as the Office of Youth Development and the Colorado Coalition, and its lack of authority within the State government. The commission has not coordinated its activities with other Colorado State agencies. The commission's functions are duplicated by the Office of Youth Development and the Colorado Coalition but much more so by the coalition because it has been active in the same areas as the commission.

Massachusetts

The lack of planning across functional lines was also evident in Massachusetts. Of the 10 agencies which provide services to youth, we contacted the Criminal Justice State Planning Agency; the Departments of Youth Services, Mental Health, Public Welfare, and Education; and the Office of Children.

As in Colorado, the State planning agency's function was to advise the Governor on all phases of adult and juvenile law enforcement and administer LEAA-funded activities through a State plan. For fiscal year 1974, LEAA allocated \$1,277,000 to the agency to plan for activities to be funded with block grants. One of the agency's responsibilities was to prevent or reduce juvenile delinquency; it had two people responsible for planning in this area.

The State planning agency had developed juvenile delinquency goals which included support for the deinstitutionalization of services and the design of programs to provide youth with legitimate access to society. The agency's planning director stated that its local planning agencies are responsible for coordinating criminal justice planning,

including juvenile delinquency. Juvenile delinquency project proposals from local groups, if accepted at the State level, become part of the State plan. The agency's director stated the agency knows some of the needs of delinquent youth; however, additional research is needed. He said the agency has not received research funds to identify the causes of delinquency and the needs of delinquent youth.

The Department of Youth Services' mission was to prevent juvenile delinquency and provide rehabilitation in the form of supervised residential and nonresidential care to offenders between the ages of 7 and 17. Such youth were either referred or committed by the courts. The Department was also responsible for detaining youths awaiting court action.

The Department's recently appointed juvenile delinquency planner said he did not have sufficient time to plan because most of his time has been devoted to trying to secure LEAA grant money. The Department has, however, coordinated its planning and funding for some juvenile delinquency activities with the State planning agency and the Department of Mental Health. In fiscal year 1974 the State Planning Agency awarded \$891,000 to the Department to help it reorganize. It also assigned the Department a juvenile delinquency planner whose chief duty was to help develop juvenile delinquency plans for community-based services.

Since the Department's mission is to prevent juvenile delinquency and rehabilitate offenders, these activities are the first priority. The State planning agency, on the other hand, is responsible for many crime prevention activities. Its juvenile delinquency planning specialist said that juvenile delinquency was considered the lowest priority within nine categories of assistance.

The executive director of the State planning agency stated that the lack of coordination prevents the problem from being effectively addressed because each agency looks at the problem differently. In addition to the delinquency grants of his agency, similar grants were awarded by the Department of Youth Services, the Office for Children, the Department of Public Welfare, and the Department of Education. He said that Massachusetts had no interdepartmental coordination of juvenile delinquency efforts at the State level and no comprehensive plan to attack the problem. No one was taking an overall view of the juvenile delinquency problem to see what was needed.

The Office for Children was created to serve as an advocate for children and to coordinate and monitor children's

services throughout Massachusetts. It is trying to do this by working closely with line agencies to strengthen their capacities to carry out their legislative mandates, to develop their programs, to improve their management practices, and to more effectively coordinate with their sister agencies. Its activities are to also include the development of standards and the licensing of day care, foster care, group care, and adoption placement agencies.

The Office for Children is helping such agencies as the Departments of Public Welfare, Youth Services, Mental Health, and Public Health plan for activities. However, it is just getting started in its efforts. According to the Office's Director of Planning and Project Management, the State planning agency has asked the Office to become involved in planning and evaluating some of its programs locally. The Office has verbally agreed to help but has made no effort yet.

The Office for Children is set up to provide services through an interdepartmental approach. It has in each of its seven regional offices an interdepartmental team of professional staff members from the Departments of Youth Services, Public Health, Public Welfare, and Mental Health. The team is to receive referrals of cases that do not come under the specific jurisdiction of existing agencies. It prepares a service plan and first attempts to get an existing State agency to accept responsibility for providing the needed services. If this is not possible, the team authorizes the expenditure of direct service funds from the Office for Children.

In September 1973 a group of representatives--including doctors, probation officers, teachers, and various State personnel within a court clinic--informed the heads of the Department of Youth Services, the Department of Mental Health, the Department of Public Welfare, and the Office for Children that:

"* * * the absence of appropriate planning on the part of the combined agencies sets a model of delinquent behavior on our part that is disastrous when amplified through the inner mechanisms of these severely delinquent prone and in our opinion, mentally ill people. Our buck passing is felt to constitute such a delinquency encouraging attitude that is reflected onto the delinquents."

Lack of awareness

One of the reasons for the lack of planning for the prevention of juvenile delinquency was that the officials of the State agencies were not aware that their programs might impact on the problem. Except for the agencies and programs which specifically address juvenile delinquency, the officials generally were not aware that their programs could play a role in juvenile delinquency prevention and did not administer them with that intent.

In Colorado, officials of the Department of Education could not agree on whether the Elementary and Secondary Education Act programs were related to delinquency prevention. One official told us that the programs were not conceived, planned, administered, or evaluated with the intent of having an impact on juvenile delinquency, although the programs could tangentially affect the problem. Another official told us that the programs do affect delinquency to the extent that they reduce dropout rates. A division director of the Colorado State Board for Community Colleges and Occupational Education told us that, if a correlation exists between reducing dropouts or providing youth with a marketable vocational skill, then the programs would impact on the juvenile delinquency problem. However, generally the effect on delinquency is not known, since the programs are not evaluated in those terms.

The Colorado Department of Social Services received about \$87 million under five programs the Interdepartmental Council considered to be related to youth development and juvenile delinquency. Both the Director of Public Welfare and the Director of Rehabilitation told us that these programs could affect the juvenile delinquency problem; however, the programs were not administered with that intent. The Department did not consider delinquency problems when setting program priorities.

State officials in Massachusetts made similar remarks. Only officials of LEAA's State planning agency and the Department of Youth Services, both of which serve delinquent youth, regarded their programs as specifically related to juvenile delinquency. Officials from other agencies which deal with youth do not see themselves as being involved with juvenile delinquency. For example, an official of the Massachusetts Department of Mental Health stated that the Department is concerned with the mental health of all youth, but it does not consider itself as being involved with juvenile delinquency. An official of the Department of Public Welfare said that, although the Department had some residential treatment

care programs which could be treating potential delinquents, it did not generally consider any of its programs to be related to juvenile delinquency. An official of the Department of Education said that the Department's programs were oriented primarily toward educating children and young adults and that any juvenile delinquency prevention or control efforts would be incidental to that.

Little evaluation geared to juvenile delinquency

Few of the State agencies we visited evaluated their programs to learn how they affected the juvenile delinquency problem. The State planning agencies in Colorado and Massachusetts contracted for their program evaluations. The evaluations of the Colorado State Planning Agency's programs show the impact on juvenile delinquency mainly through changes in recidivism rates. In 1973 the Massachusetts State Planning Agency contracted with a private agency to evaluate 15 of its juvenile delinquency projects. According to the director of evaluations for the State planning agency, the evaluations were descriptive and not oriented to results. The director stated his agency had not determined whether its projects were successful in reducing or controlling juvenile delinquency. Projects continue to be funded solely because they appear cost effective and thus discontinuance cannot be justified.

The Department of Youth Services in Massachusetts has evaluated some of its juvenile delinquency programs. Since 1969 it has evaluated the effectiveness of programs sponsored by several agencies from which it purchased services. It has stopped purchasing services from two agencies as a result of the evaluations. The director of evaluations stated that results are usually disseminated only within the Department.

LOCAL LEVEL

Denver

Approximately 175 agencies were serving youth in Denver in 1973. Before that, many of the agencies were not aware that others offered similar services. Many had not worked together. Officials of nearly every local agency we interviewed said the Federal Government contributed to the fragmented approach; most said the reason for this was its funding but not coordinating many small categorical programs. They overwhelmingly believed an overall Federal youth strategy was needed. Categorical grants often carry many restrictions as to how the funds must be spent. Nearly everyone said that

the availability of Federal funding, rather than need, often suggested local priorities.

LEAA had one and HEW had two federally funded efforts to coordinate the activities of the youth-serving agencies. One of the HEW-funded projects, a citywide youth services system, did not normally provide direct services to youth but was designed to coordinate activities to bring about greater efficiency and better services to youth. The other HEW-funded project and the LEAA-funded project were trying to coordinate the delivery of services to youth.

In July 1973 the Denver mayor created the Mayor's Commission on Youth to coordinate the youth activities in the city. The office of the mayor is the grantee and coordinator of the HEW-funded commission, which is the citywide youth service system in Denver. The commission's primary mission is to prevent juvenile delinquency through youth development by coordinating the city's existing youth-serving agencies to provide more efficient and effective services and to facilitate favorable institutional change at the administrative level. These actions are to increase youth access to socially acceptable and personally gratifying roles, reduce negative labeling of youth by social institutions, reduce youth alienation, and develop needed direct services for youth.

The other HEW-funded project, the Westside Youth Development Project, was established to coordinate the delivery of services to all youth and thereby prevent delinquency and divert from delinquents within a specific location in Denver.

The other major coordinating effort in Denver was organized by the Denver Anti-Crime Council. It has developed a network of youth-serving agencies that received about 41 million in 1973's federal crime program. The program is an attempt to coordinate all efforts to reduce the incidence of juvenile delinquency crime including family, school, and community programs, and to provide and improve the quality of life for youth and to prevent in youth.

The LEAA-funded project, which was funded by HEW, was a citywide youth services system that had already been developed. It was a citywide youth services system that was designed to coordinate the activities of the youth-serving agencies in the city. It was a citywide youth services system that was designed to coordinate the activities of the youth-serving agencies in the city. It was a citywide youth services system that was designed to coordinate the activities of the youth-serving agencies in the city.

police, or welfare office to assess their problems and needs. The bureaus become advocates for the delinquent youth and closely followup on all referrals made to other agencies.

Problems in achieving coordination

The Mayor's Commission on Youth had difficulty achieving coordination in Denver. To prevent juvenile delinquency, the commission used a systems approach to institutional change in which agencies had to work together. Cooperation was not easily achieved, however, whenever the commission had to tell the agencies to change their approach in dealing with youth. The commission recognized this and spent much of fiscal year 1974 trying to bring agencies together and familiarize them with each other and with itself. The commission hoped that the agencies would eventually formally agree to work together.

The commission's task is compounded by its lack of legal authority over certain agencies. Many are nonprofit corporations that are not responsible to the mayor and thus do not have to work with the commission. It has to operate through persuasion, which often achieves results only after developing a solid trust relationship. In addition, the Colorado Constitution has separated the schools and courts from political control, and they too are not responsible to the mayor. Consequently, the commission must also use persuasion to achieve coordination with the schools and courts.

Aside from getting the agencies' assurances that they will work together, the commission's primary accomplishments in fiscal year 1974 were (1) completing surveys identifying youth needs and agencies that offer services to youth and (2) developing task forces dealing with some of the most pressing needs--employment, recreation, runaways, and truancy. Although the survey of agencies has been completed, the commission has not published the results because it does not feel all of the information received is reliable. Although the recreation, runaway, and truancy task forces had each met several times during our survey, no problem-solving proposals or guidelines resulted because they had not been in existence long enough. The employment task force, however, had developed and was implementing a plan aimed at working with employers, job development agencies, schools, and youth referral agencies to try to provide summer jobs for 400 high school youths.

Planning for youth activities in the city was not centralized. The commission and the Denver Anti-Crime Council were two of the major agencies involved in citywide

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planning for youth development and delinquency control. Each agency was aware of the other agency's activities, but coordination of their activities was limited. According to a commission official, each city executive agency had its own grant writer in addition to the grant writers for the numerous private and State agencies. The council's assistant director said that the council was limited in its freedom to cooperate with the commission because the council and its projects were concerned primarily with "impact" crimes and offenders, not all youth. He said he did not coordinate his activities with HEW, HUD, the Department of Labor, or the Office of Economic Opportunity.

The delivery of services for predelinquent and delinquent youth in Denver has had some systematic coordination. However, no significant coordination has occurred in the planning and funding of youth activities. The 175 agencies still individually plan activities and receive funds for them from whatever Federal, State, and local sources they can find.

Boston

Boston had over 200 public and private agencies that could deal with youth and therefore affect juvenile delinquency. The two primary city agencies were the Youth Activities Commission and the Mayor's Safe Streets Act Advisory Committee. Others included the Boston Police Department, Boston School Department, Boston Juvenile Court, and Action for Boston Community Development.

The Massachusetts legislature established the Youth Activities Commission to prevent or reduce the incidence of delinquency in Boston. It operated five LEAA-funded Youth Resource Centers which tried to maximize referrals from the police, courts, and schools and reduce recidivism among juveniles and act as a focal point for community delinquency prevention efforts. According to the director of the Youth Activities Commission, 50 to 70 percent of the clients at the centers have been arrested previously. The Youth Activities Commission also conducted a number of special projects and summer programs aimed at delinquency prevention and acted as the conduit for funds from the State Department of Youth Services to various private social agencies for delinquency prevention programs. In this capacity, it was designated prime contractor and is responsible for the general administration of these programs, including monitoring, evaluation, and fiscal accountability.

The Mayor's Safe Streets Act Advisory Committee is LEAA's planning agency for the city of Boston. Its strategy is to fund programs that provide services that existing institutions, such as courts, police, and schools should but are unable or unwilling to provide. The committee is designed to effect changes in these institutions' attitudes toward predelinquent and delinquent youth.

Programs and funding

Because of the number of programs that could affect the delinquency problem and the diversified sources of funding, we were not able to determine the total Federal, State, local, and private resources affecting delinquency prevention and control in Boston. However, the following are indicative of some of Boston's activities.

The Boston Youth Advocacy Program is the Mayor's Safe Streets Act Advisory Committee's juvenile delinquency program. Its main emphasis is to try to divert juveniles from the justice system. For fiscal year 1974 LEAA, through the State planning agency, granted the Advisory Committee a total of \$660,895. In addition, the State provided \$36,105. The Youth Advocacy Program provided overall funds for eight projects.

In addition to operating five Youth Resource Centers throughout Boston, the Youth Activities Commission conducted a number of special projects and summer programs aimed at delinquency prevention. We estimated its local funding for fiscal year 1974 at about \$1.9 million, including \$711,000 from the city, \$271,607 from the State, \$865,000 from Federal agencies, and \$22,000 from private sources. In addition, the National Institute of Mental Health in July 1973 conditionally awarded it a categorical grant of \$1,180,177 for developing and coordinating a juvenile drug program. It has yet to receive the money. (See p. 47.)

The State planning agency has awarded the Boston Police Patrolmen's Association a grant of \$37,895 for a recreation program. It consists of a summer camp where disadvantaged youth can meet police officers in a relaxed atmosphere. It also awarded the Boston Police Department, through the Youth Activities Commission, a grant of \$31,263 for a Police Liaison Project. The project is a joint effort of the department and the commission, and caseworkers and juvenile officers work together in helping youths obtain needed services.

A Boston School Department official advised us that, because most school programs could have an effect on delinquency, it is impossible to determine the amount of Boston school

system funds used to prevent juvenile delinquency. HEW, however--under the Elementary and Secondary Education Act's title III--awarded the Department \$50,000 and \$60,000 for fiscal years 1973 and 1974, respectively. The funds were for a crisis prevention program that was to include delinquency prevention.

Through its Model Cities program, HUD provided \$170,855 for two ongoing projects, a drug abuse project (\$71,698) and a youth development project (\$99,157).

The Office of Economic Opportunity has awarded the Action for Boston Community Development \$558,916 for youth programs. These programs, involving various services, operate in 11 neighborhoods throughout Boston.

Many private social agencies, such as the Boston Children's Service Association, work with children and youth. One program, Project Juvenile, deals specifically with delinquents. It offers such services as tutoring, medical and psychiatric help, counseling, and emergency placement for youth who have appeared before the Boston Juvenile Court. In fiscal year 1974 the Massachusetts Department of Public Welfare gave the Association \$603,872 to conduct this project.

The United Community Services, in conjunction with the Massachusetts Bay United Fund, funds over 200 agencies offering various services, some of which can impact on the juvenile delinquency problem. The agency's total income for 1972 was about \$10 million.

The Tufts-New England Medical Center operates the Anchor Worker Project which offers intensive counseling to troubled youth. Each child is assigned a caseworker who counsels the child and refers him to needed services. For fiscal year 1974 the program received a total of \$255,000 as follows: \$90,000 from the Office of Youth Development in HEW, \$70,000 from LEAA, \$12,500 from the Department of Youth Services, \$12,500 from the Office for Children, and \$70,000 from the Tufts-New England Medical Center. Officials consider the program to be a long-term delinquency prevention effort.

Problems in achieving coordination

Boston had no comprehensive coordination in the planning, funding, monitoring, or evaluation of juvenile delinquency and youth-related projects. No single organization had identified available resources for youth, youth needs, and gaps in the resources and developed one or more strategies to prevent and control juvenile delinquency. Individual

agencies have, however, worked with others in jointly funding delinquency projects and in coordinating planning efforts.

Several agency officials believed that the Federal Government's fragmented approach to delinquency prevention and control contributed to the fragmented approach at the local level. For example, one said his office was not aware of all Federal funds available to combat juvenile delinquency because a number of Federal agencies are involved. Another said that diverse Federal funding sources tend to encourage local project directors to take a parochial view toward the delinquency problem.

No single city agency had formulated comprehensive plans to address Boston's juvenile delinquency problem. Most efforts were made on an individual or one-shot basis. For instance, the Youth Activities Commission did seek funds from and had submitted to the Advisory Committee juvenile delinquency prevention or control project proposals. They maintained contact to avoid duplicating projects.

According to the Advisory Committee's Juvenile Delinquency Grants Manager, Boston has a need for a concentrated attack on delinquency. He believes a central planning agency would (1) reduce the number of grant requests submitted to various Federal agencies, (2) reduce administrative expenses, and (3) make more funds available for direct services to juveniles.

The Advisory Committee coordinated to a limited degree with some city, State, and Federal agencies in planning and funding juvenile delinquency programs. Officials attempted to establish comprehensive planning with the State planning agency, but the effort, for reasons unknown to them, was subsequently terminated. The Advisory Committee has jointly funded juvenile delinquency projects with various city agencies and maintains contact with the Youth Activities Commission to insure that projects are not duplicative.

The Boston School Department has received HEW grant money for its Crisis Prevention program, but it does not formally coordinate with anyone in planning, funding, monitoring, or evaluating juvenile delinquency projects. Similarly, Boston Juvenile Court's chief probation officer stated that, despite the court's implementation of the Department of Public Welfare's Project Juvenile and its cooperation with the Citizens Training Group project personnel in referring youths, the court does not cooperate with anyone in planning, funding, monitoring, or coordinating juvenile delinquency projects.

No concerted effort was underway to identify all available youth resources, youth needs, gaps in serving youth needs, and possible duplication. However, individual agencies, including the Youth Activities Commission, the Advisory Committee, and private social agencies, have identified residential facilities, detention facilities, alternative education programs, job placement programs, family counseling, vocational training programs, and legal services as some of the more pressing needs of delinquent and pre-delinquent youth. According to Department of Youth Services and Advisory Committee officials, few of these needs are being adequately satisfied.

An Advisory Committee official acknowledged the need for additional research into the causes of delinquent behavior, the number of juveniles involved, and the services best suited to remedy the situation. Officials of the Youth Activities Commission also believe that research is needed, particularly at the neighborhood level, on the needs of youth and the causes of delinquency. Officials of several private social agencies also indicated a need for additional research.

Several city and private agency officials stated that city, State, and private agency activities duplicate and overlap each other; however, they did not consider it serious, since delinquent and pre-delinquent youth's needs are great and the resources limited.

Current plans for formal coordination

Two current attempts to formally coordinate juvenile delinquency activities in Boston are the Treatment Alternatives to Street Crime-Juvenile program and the Fields Corner Delinquency Task Force Committee. Neither was operational at the time of our fieldwork.

In December 1972 representatives from the Special Action Office for Drug Abuse Prevention, the Massachusetts Office of Human Services, and Boston's Coordinating Council on Drug Abuse met to discuss a Boston proposal for a juvenile drug abuse program. The discussion centered on whether money available under the Treatment Alternatives to Street Crime program, an adult drug prevention program, could be used for a program to treat juveniles. As a result of the meeting, the Special Action Office instructed the Boston representatives to develop a national pilot program for juveniles titled Treatment Alternatives to Street Crime-Juvenile. The Youth Activities Commission was selected to manage the grant.

In developing the program, officials of the Youth Activities Commission found that many juvenile drug users were also delinquents; it then revised its proposal from a purely juvenile drug diversion program to a juvenile delinquency prevention program.

The Special Action Office informed the Youth Activities Commission that the project's source of funding was changed in May 1973 from LEAA to the National Institute of Mental Health. On June 4, 1973, the Youth Activities Commission submitted a \$1,180,177 proposal to the Special Action Office. On July 19, 1973, the Institute conditionally awarded the full amount.

Under the proposal, Boston has developed and proposed to implement a service delivery system for juveniles. Information on services and needs was solicited from over 200 public and private social organizations and interested individuals. The program is intended to fill a gap in the availability of services for Boston's youth. Another purpose is to take the best knowledge of youth service procedures and policies and use it in a valuable and cost-beneficial demonstration of youth services.

Specific goals of the program are to reduce entry and reentry into the juvenile justice system, coordinate and make best use of existing services, avoid duplication, and minimize the potential discrimination inherent in many services' need to define "target population" (which labels potential service recipients). As of May 31, 1974, the program had not been implemented.

Another planned effort which may have some impact on the juvenile delinquency problem is that of the Fields Corner Delinquency Task Force Committee. Dorchester is the single largest community in Boston, and it has a serious juvenile delinquency problem. The Fields Corner neighborhood area has had various delinquency prevention programs at different times. At the time of our fieldwork, an estimated 21 groups were providing services to youth, 13 of which united to form the Task Force Committee to better coordinate their efforts and to advance joint planning and decisionmaking. To do this, it has applied for a \$10,000 grant from the Advisory Committee to be used to hire an independent researcher to determine the extent to which existing services are meeting needs. The application was being processed at the time of our fieldwork. The Task Force Committee intends to identify each member's resources and, on the basis of the research data plans, to narrow existing service gaps by comprehensively coordinating their juvenile delinquency efforts.

The Federal and local juvenile delinquency efforts in Boston were summarized in a letter from the director of the Delinquency Prevention Program, Tufts-New England Medical Center Hospital, to a Senator in 1973. It reads, in part:

"Funding for programs to meet this problem [juvenile delinquency] has been fragmented through several federal agencies. There is no single agency with adequate funding to develop coordinated and integrated services for the children and youth who have developed anti-social modes of behavior, much less services that attempt to prevent and intervene early in delinquent behavior. The lack of such a commitment by the federal government is reflected at the local level.

"We believe that this situation holds true for all services to children. Health, welfare, education, rehabilitation and social services for children are scattered through many governmental agencies, often leading to fragmentation, duplication and poor coordination. Too often the children who need these services the most do not receive them or, at best, receive them in a hit or miss fashion. We have had the experience more than once of an agency informing us that certain parts of a proposal for funding integrated services to children belongs to another agency or that no funds are available. * * * We would like to recommend a commitment on the part of our government to fund adequately comprehensive, integrated and coordinated services to children through a single agency."

CONCLUSIONS

State agencies receive substantial amounts of Federal funds for programs which could affect juvenile delinquency. However, there was a general lack of goals, strategies, or priorities as to how to prevent or reduce juvenile delinquency.

There was very little evidence of a conscious, comprehensive, coordinated effort by State agencies to deal with delinquency. Much of the lack of coordination by State agencies is caused by the lack of coordination by the Federal agencies which administer these programs.

In Colorado the Federal Government contributed to the problem by providing funds to three agencies with similar objectives and activities.

The greatest impact on the juvenile delinquency problem is made at the local level where the community's resources are used to serve youth. In launching a coordinated attack to prevent and control juvenile delinquency, the basic areas for action, as suggested by the 1962 report of the President's Committee on Juvenile Delinquency and Youth Crime, appear to be as valid today as they were 13 years ago. The committee believed that, among other things, planning and programming were inadequate and should be improved if a significant impact was to be made on the problem. The same factors still need to be addressed more effectively.

CHAPTER 6

NEW LEGISLATION PROVIDES FOR IMPROVEMENTS

The Federal Government has largely relied on a variety of antipoverty, social and welfare, education, and employment programs to help improve and upgrade the standard of living and, at the same time, hopefully attack the root causes of juvenile delinquency.

Specific efforts to address the juvenile delinquency problem have been limited to either planning and funding programs outside of the justice system or programs within the justice system. They have not been used in conjunction with each other because of the legislation of the Federal agencies involved. No effective mechanism has been developed for planning and funding programs and projects across functional lines.

The Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601), enacted on September 7, 1974, if properly implemented, should contribute significantly to the prevention and control of juvenile delinquency and improve the Federal Government's coordination of such efforts. The law provides increased visibility to the problem and a focal point for juvenile delinquency activities in the Federal Government by creating an Office of Juvenile Justice and Delinquency Prevention within LEAA. This will be the first organizational unit that can identify existing and needed resources, identify and set priorities, and develop strategies to implement a comprehensive attack on juvenile delinquency. Also for the first time, specific efforts to both prevent and control juvenile delinquency will be one agency's responsibility. This should provide for innovative prevention programs.

The law also establishes within the Office a National Institute for Juvenile Justice and Delinquency Prevention to provide ongoing research in new techniques for working with juveniles, to serve as a national clearinghouse for information on delinquency, and to offer training to personnel who will work with juveniles.

To make the executive agencies more accountable, the law provides for a series of requirements which should help focus Federal efforts more precisely and increase Federal, State, and local officials' awareness of their roles in the prevention and control of juvenile delinquency. The LEAA Administrator is required to submit two annual reports

to the President and the Congress--one analyzing and evaluating Federal juvenile delinquency programs and recommending modifications to any Federal agency's organization, management, personnel, standards, or budget requests to increase juvenile delinquency program effectiveness and the other containing a comprehensive plan for the programs. The President, within 90 days of receiving the report containing recommendations, must report to the Congress and the Coordinating Council detailing the action he has taken or anticipates taking.

In the reports to the President and the Congress, the LEAA Administrator is also required to submit information in each of the first 3 years which would, in each year,

- enumerate specific criteria to be used to identify specific Federal juvenile delinquency programs,
- identify specific Federal juvenile delinquency programs, and
- identify the procedures to be used in submitting juvenile delinquency development statements by Federal officials whose programs the Administrator has identified.

If Federal programs are to be coordinated, specific programs will have to be identified as significantly helping to prevent and control juvenile delinquency. If not, virtually every Government social and welfare, education, and employment program will need coordinating. Once relevant programs and agencies are identified, all appropriate officials should be notified that planning for youth development and juvenile delinquency prevention and control should be addressed.

Provisions have been made for improving the coordination of Federal juvenile delinquency programs, policy, and priorities. The law establishes a Coordinating Council on Juvenile Justice and Delinquency Prevention as an independent executive branch organization of persons who exercise significant decisionmaking authority in their respective Federal agencies. It authorizes staff and funds for adequately carrying out Council functions.

The law also establishes a National Advisory Committee for Juvenile Justice and Delinquency Prevention whose duties include making annual recommendations to the LEAA Administrator on planning, policy, priorities, operations, and management of all Federal juvenile delinquency programs. Membership will include both government and

public representation to help insure broad expertise as well as new views on methods to combat juvenile delinquency.

The law authorizes new programs of delinquency prevention, diversion from the juvenile justice system, and community-based alternatives to traditional incarceration. It also requires LEAA's State planning agencies and regional planning units to include representatives of citizen, professional, and community organizations related to delinquency prevention. This will help insure that not all programs will emphasize law enforcement and that prevention programs will be developed to prevent juveniles from entering the justice system rather than preventing recidivism.

CHAPTER 7

MATTERS FOR CONSIDERATION BY THE CONGRESS

The Juvenile Justice and Delinquency Prevention Act of 1974 was enacted a few months after we completed our review. Consequently, it was too early for us to determine how the executive branch was implementing the act and, on the basis of such an assessment, to recommend to the appropriate officials ways to improve implementation.

The Congress, however, clearly expressed its intent to exercise oversight over the implementation and administration of the act. Therefore, although we do not have any specific recommendations to make, we believe the Congress may wish to consider and discuss several interrelated issues with the executive branch.

NATIONAL STRATEGY

The Congress may want to examine the way LEAA is developing a national juvenile delinquency strategy. Many factors should be considered in developing such a strategy, but perhaps the most basic is the emphasis that the Nation should give to delinquency prevention or rehabilitation programs. Should the emphasis be on preventing children from committing delinquent acts or on reducing recidivism?

Considerable effort, in past years, has been aimed at reducing recidivism for both adults and youth. Because recidivism among juveniles is extensive, past efforts at reducing it need to be assessed to shape future planning and programing.

Also important is the consideration of how and when Government should intervene to prevent delinquency. Should primary efforts be focused in the schools or in the home or should special institutions and organizations be established to address the problem? At what age group should programs be directed? How should resources be mobilized?

In examining LEAA's actions to develop a national strategy, the Congress may wish to discuss with LEAA questions similar to those noted above. It is probably unrealistic to expect that such a strategy could be developed to the point where other Federal agencies' and the States' fiscal year 1976 juvenile delinquency funding decisions could be based on such a strategy, especially since no such plan existed before the 1974 act was passed. Such a

strategy should be developed, however, during fiscal year 1976 and should affect fiscal year 1977 funding decisions.

The Congress may want to investigate the means used to develop the national strategy, including the methods developed to determine needs and priorities at various levels and the type of analyses and evaluations made of Federal agencies' programs. The Congress could appropriately study the criteria used to identify juvenile delinquency characteristics and prevention and those applied to Federal juvenile delinquency programs.

COMPREHENSIVE STATE PLANS

The State plans, which determine how most of LEAA funds will be spent on juvenile delinquency, will have to be closely related to the national strategy to achieve a coordinated effort to combat juvenile delinquency. Therefore, the extent to which the State plans reflect the national strategy will depend, in part, on the timeliness with which the national strategy is completed.

The State plans must be comprehensive to insure that all pertinent issues are addressed and that all available resources are used best and most effectively. The Omnibus Crime Control and Safe Streets Act, as amended, requires the State plans to include priorities and comprehensive programs for improving juvenile justice before they may be approved. However, LEAA has not given the States specific guidelines for developing this portion of the plans.

The guidelines the States do have are very limited and require the State plan to include a summary page giving a page reference to all pertinent text and data relevant to the State planning agency's and other State agencies' juvenile justice activities.

LEAA and the States are developing guidelines to improve juvenile delinquency planning; these should affect how fiscal year 1976 funds are spent. The Congress may want to examine the adequacy of the States' fiscal year 1976 juvenile delinquency plans in terms of meeting the requirements noted in section 223 of the 1974 act and the extent to which they reflect the national strategy at a time that would permit implementation of any needed improvements before fiscal year 1977 plans were developed.

COORDINATION

The Congress also may want to examine the extent to which LEAA is able to effectively implement certain provisions of section 204 of the act, such as (b)(2), (4), and (f), which basically give LEAA authority to coordinate and direct certain juvenile delinquency-related efforts of other Federal agencies. LEAA's effective use of such authority and other agencies' acceptance of it is essential if Federal efforts are to be truly coordinated.

The State plans submitted to LEAA for approval must be comprehensive and address the need to coordinate State and local efforts. This should include providing for coordination of juvenile delinquency programs in such areas as education, health, and welfare. If not, most funds will probably continue to be spent in a relatively uncoordinated way, as in Colorado and Massachusetts during our review.

Such coordination should become a reality for fiscal year 1977, once LEAA has developed a national strategy and the States have made funding decisions based on comprehensive juvenile delinquency plans.

FUNDING

A basic issue which could be addressed is the extent to which the executive branch will request and allocate funds to adequately implement the act. The Administration did not request any new funds to implement the act for either fiscal year 1975 or 1976. Limited funding would almost preclude adequate implementation.

For example, some State criminal justice planning agencies (which are responsible for developing other LEAA plans as well as plans under this act) apparently are not able to develop adequate, comprehensive plans for spending other LEAA funds. Yet these same agencies are also required to develop more plans since the 1974 act was passed. Plans may be noncomprehensive because of inadequate funding of planning efforts or because of the way LEAA and the States have worked together in terms of common purposes and agreed objectives. But the 1974 act gives specific, more extensive emphasis to juvenile issues which may well require additional funds for adequate accomplishment.

Accordingly, the Congress may want to examine the extent to which the executive branch is willing to request funds to implement the act. Since juveniles account for

almost half the arrests for serious crimes in the Nation, adequate funding of the Juvenile Justice and Delinquency Prevention Act of 1974 would appear to be essential in any strategy to reduce the Nation's crime.

Section 544 of the 1974 act amends the Safe Streets Act of 1968, as amended, to require at least the same level of financial assistance for juvenile delinquency programs from law enforcement appropriations as was expended during fiscal year 1972. Because of the Administration's proposed budget cuts to LEAA's program, the Congress may want to look for the fulfillment of this requirement during any hearings held on the funding issue.

CHAPTER 8

AGENCY COMMENTS

DEPARTMENT OF JUSTICE

By letter dated April 4, 1975, the Department stated that it generally agreed with our findings regarding the need to address the problem of coordinating the many Federal, State, and local programs which could affect juvenile delinquency prevention and control. (See app. I.)

While recognizing its responsibilities to improve coordination as a result of the Juvenile Justice and Delinquency Prevention Act of 1974, the Department pointed out two conditions which may impede its efforts.

The Department has interpreted "New Federalism" to mean that it is "restrained from imposing substantial guidelines and definitions other than those implementing statutory requirements and statutory standards upon State and local law enforcement and criminal justice operating agencies." It did note, however, that it attempts to utilize more indirect means, such as funding incentives and training, to encourage movement in this direction.

The second condition relates to the aggressiveness with which the Office of Management and Budget (OMB) actively encourages coordinated planning through its funding and oversight responsibilities. The Department stated that it looked forward to the assistance of OMB, in its role as an oversight body, to support its efforts in implementing any national strategy to resolve juvenile justice issues.

This observation is very important in terms of how effectively LEAA is able to implement certain provisions of section 204 of the act, which basically give LEAA authority to coordinate and direct certain juvenile delinquency-related efforts of other Federal agencies. This is an area that we suggested the Congress examine. (See p. 56.)

Regarding actions already taken to implement the act, the Department stated that LEAA had begun developing a national strategy for the effective coordination of juvenile delinquency activities and had established written objectives for implementing and administering the act. Because LEAA was faced with the complexities inherent in development of a new office without an appropriation, it created a Juvenile Delinquency Task Group and gave it responsibility for both on going LEAA juvenile justice activities under the

Crime Control Act of 1973 and planning and developing activities associated with the implementation and administration of the 1974 act. The Department spells out in some detail actions already taken by the task group on pages 63 to 65.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

On April 3, 1975, we discussed our findings and conclusions with HEW officials responsible for administering its juvenile delinquency prevention program. They generally agreed with our findings and conclusions.

They pointed out, however, that coordinating juvenile delinquency efforts is difficult and requires cooperation at all levels of government, particularly at the local level. They also expressed concern, based on HEW's previous experiences, about the ability of LEAA to effectively coordinate Federal juvenile delinquency programs unless there is a commitment at the highest levels of the Federal Government to develop specific goals in the area and agreement in the legislative and executive branches as to the emphasis the goals should take.

The officials also noted that since enactment of the 1972 amendments to the Juvenile Delinquency Prevention and Control Act of 1968, about \$35 million has been expended for developing a comprehensive network of youth services in the communities, linking together public and private agencies and organizations. At the same time, HEW has sought changes in the practices, policies, and procedures of these agencies and organizations to make them more responsive to youth's needs.

OFFICE OF MANAGEMENT AND BUDGET

On April 4, 1975, we discussed our findings and conclusions with an appropriate official of OMB. He stated that OMB generally agreed with our report. He also stated that, as indicated in his statement issued at the time he signed the 1974 act, the President supported the need for policy centralization and better coordination of the Federal Government's juvenile delinquency efforts.

STATE AND LOCAL AGENCIES

Colorado and Massachusetts State and local officials generally agreed with our findings and conclusions. In addition, Boston officials also noted that more attention could be directed to coordination at the local level, but that without more Federal interest in and support of this type of effort, real achievement will be difficult.

CHAPTER 9

SCOPE OF REVIEW

We reviewed the activities of the Office of Economic Opportunity and the Departments of Labor, Housing and Urban Development, Health, Education, and Welfare, and Justice to determine the type and extent of Federal efforts to prevent and control juvenile delinquency and the attempts made to coordinate these efforts. Also, we reviewed the impact of Federal activities in two States and cities. Work was done at the national level in Washington, D.C., and the regional, State, and local levels in Boston and Denver.

We interviewed officials and reviewed records at the 5 Federal agencies and interviewed officials at 2 Federal regional councils, 14 State agencies, 29 city agencies, and 17 Federal grantees. Our fieldwork generally was done between January and July 1974.

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Address Reply to the
Division Indicated
and Refer to Initials and Number

UNITED STATES DEPARTMENT OF JUSTICE

WASHINGTON, D.C. 20530

APR 4 1975

Mr. Victor L. Lowe
Director
General Government Division
U.S. General Accounting Office
Washington, D.C. 20548

Dear Mr. Lowe:

This letter is in response to your request for comments on the draft report titled "Ineffectiveness of Federal Attempts to Coordinate Juvenile Delinquency Programs."

Generally, we agree with the report findings regarding the need to address the problem of coordinating the many Federal State and local programs which could affect juvenile delinquency prevention and control. Furthermore, the brief historical overview of juvenile delinquency prevention and control progress presented in the report indicates that the Department will face a difficult challenge in its efforts to create a nationally coordinated approach.

The Juvenile Justice and Delinquency Prevention Act of 1974 authorizes the establishment of mechanisms within the Law Enforcement Assistance Administration (LEAA) to attack the coordination problem; but the Department foresees two conditions which may impede efforts in carrying out the provisions of the Act. These are:

1. The limited role of the Federal Government in establishing uniformly-defined national criteria; and
2. The aggressiveness with which the Office of Management and Budget (OMB) actively encourages coordinated planning through its funding and oversight responsibilities.

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The first condition presents a serious policy problem. The Department has interpreted "New Federalism" to mean that it is restrained from imposing substantial guidelines and definitions other than those implementing statutory requirements and statutory standards upon State and local law enforcement and criminal justice operating agencies. For example, interpretation of exactly what constitutes a "juvenile" or a juvenile delinquency program varies among States and jurisdictions within States. An essential first step to coordinated planning is agreement regarding appropriate terminology. Although the Department is not authorized by law to establish such uniform definitions, it does attempt to utilize more indirect means such as funding incentives and training to encourage movement in this direction.

The second condition refers to a recurring theme throughout the report that fragmentation of effort on the State and local level is directly related to fragmentation of effort on the Federal level. The GAO report asserts that the Department of Health, Education and Welfare's Interdepartmental Council to Coordinate All Federal Juvenile Delinquency Programs "... has not met its mandate." The Council's efforts to bring about sustained inter-agency cooperation were impeded by the lack of adequate staff and funds and because the Council was not certain about the authority it had to coordinate Federal efforts in the juvenile delinquency area. We look forward to the assistance of OMB, in their role as an oversight body, to support our efforts in implementing any national strategy to resolve juvenile justice issues.

Through the authority vested in it by the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601), LEAA has initiated a concerted effort to resolve many of the problems that have traditionally limited Federal efforts to coordinate juvenile delinquency programs. LEAA has already begun developing a national strategy for the effective coordination of these activities.

Written objectives have been established for implementation and administration of the Juvenile Justice and Delinquency Prevention Act of 1974. These objectives provide for development of the capability within LEAA to organize, plan for, and coordinate LEAA and Federal efforts aimed at supporting programs that will foster improvement in the juvenile justice system

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and aid in the prevention of juvenile delinquency. These objectives also provide for development of a plan to establish a National Institute of Juvenile Justice and implement all other provisions of the new juvenile delinquency prevention legislation. In addition, special emphasis will be placed on the development of standards for juvenile delinquency.

On August 8, 1974, a task force was established to develop plans for integrating the new office of Juvenile Justice and Delinquency Prevention into LEAA. Task force membership included high level representatives from every division in LEAA.

Because LEAA is also faced with the complexities inherent in developing a new office without an appropriation, a Juvenile Delinquency Task Group has been established. The Task Group, under the leadership of a newly appointed Acting Assistant Administrator, consists of LEAA personnel who were working in the area of juvenile justice and delinquency prevention prior to the enactment of the new juvenile delinquency legislation. The Task Group has been delegated the authority and responsibility for both on-going LEAA Juvenile Justice activities under the Crime Control Act of 1973 and for the planning and development activities associated with initial implementation and administration of the Juvenile Justice and Delinquency Prevention Act of 1974. In addition, the Task Group has been delegated the responsibility for coordinating its functional activities with other LEAA offices and other Governmental agencies to avoid duplication of effort and ensure effective program delivery. Ten of the fifteen individuals on the Task Group are professionals, and the group has been allotted five additional temporary professional positions. To date, the operations of the Task Group have included such activities as:

1. Development of Guidelines. Guidelines are being developed in a variety of areas under the new legislation. The need for guidelines can generally be broken down into those which are required immediately and those that will be necessary for the proper implementation and administration of the new Act on a continuing and long-term basis. Among the guidelines required immediately are those (a) specifying the mechanism needed to meet the fiscal year 1972 level of funding as required by the new Juvenile Delinquency Act, and (b) assuring representation of individuals on the State advisory board who are knowledgeable of juvenile justice and youth programs.

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2. Development of Fiscal Plans. Essentially, two fiscal plans have been developed to fund new juvenile justice programs. One involves \$20 million of LEAA fiscal year 1975 discretionary funds, and the other involves \$10 million of LEAA fiscal year 1974 reversionary funds.

Public Law 93-415 authorizes \$75 million to LEAA for implementing the Juvenile Justice and Delinquency Act of 1974. No new funds have been sought by the Department as the President, when signing the Act into law, indicated he would not seek new monies due to his policy of fiscal constraint. However, preliminary discussions to reprogram \$10 million of reversionary funds for juvenile justice programs are currently underway among the Department, OMB and the Congress. The reversionary funds are intended to supplement the approximately \$20 million in discretionary grant monies budgeted by LEAA in the juvenile area during fiscal year 1975.

Actions are already underway to implement the plan involving LEAA discretionary funds. The primary thrust of this plan involves the deinstitutionalization of status offenders. This effort is designed to have a significant and positive impact on the lives of thousands of youths who are detained and/or institutionalized each year for having committed offenses which would not be considered criminal if committed by an adult.

It is contemplated that the above plans will provide the necessary impetus to launch the juvenile justice program and enable the orderly and efficient use of funds under the new Act without requiring major amounts of current year funds or committing the Administration to substantial additional funding in future years. No effort can be made to begin a State formula grant funding activity under the new Juvenile Justice and Delinquency Prevention Act until funds are provided under the new legislation.

3. Development of a Work Plan. One of the first objectives of the Task Group was to develop a work plan for fiscal year 1975. This objective entailed reviewing and integrating the existing

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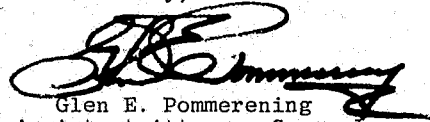
juvenile delinquency work plans of LEAA's Office of National Priority Programs and National Institute of Law Enforcement and Criminal Justice.

4. Information Dissemination. As a means of disseminating information pertaining to provisions of the Act to affected and/or interested parties, a slide presentation has been developed. The slides have been used to orientate both central office and regional office personnel of LEAA, the Executive Committee of the State Planning Agency National Conference, and several public interest groups that have requested information about the new legislation.
5. Transfer of Functions from the Department of Health, Education and Welfare (HEW) to LEAA. There have been several formal meetings between the staffs of HEW and LEAA to facilitate the effective and orderly transfer of program responsibilities from HEW to LEAA in accordance with the new legislation and to lay the groundwork for further coordinating efforts.

In addition, the President has appointed 21 representatives to the National Advisory Committee on Juvenile Justice and Delinquency Prevention as mandated by the Act. The members of the Committee are scheduled to hold their first meeting April 24-25, 1975. The Interdepartmental Council established in the HEW Act and charged with the responsibility to coordinate all Federal juvenile delinquency programs has been replaced under LEAA's legislation with the Coordinating Council on Juvenile Justice and Delinquency Prevention. The first meeting of this council has been delayed due to the recent turnover in the President's cabinet. All relevant material has been sent to the Office of the Attorney General.

We appreciate the opportunity to comment on the draft report. Should you have any further questions, please feel free to contact us.

Sincerely,



Glen E. Pommerening
Assistant Attorney General
for Administration

APPENDIX II

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PRINCIPAL OFFICIALS OF
THE DEPARTMENT OF JUSTICE AND THE
DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
RESPONSIBLE FOR ADMINISTERING ACTIVITIES
DISCUSSED IN THIS REPORT

Tenure of office
From To

DEPARTMENT OF JUSTICE

ATTORNEY GENERAL:

Edward H. Levi	Feb. 1975	Present
William B. Saxbe	Jan. 1974	Feb. 1975
Robert H. Bork (acting)	Oct. 1973	Jan. 1974
Elliot L. Richardson	May 1973	Oct. 1973
Richard G. Kleindienst	June 1972	May 1973
Richard G. Kleindienst (acting)	Mar. 1972	June 1972
John N. Mitchell	Jan. 1969	Feb. 1972

ADMINISTRATOR, LAW ENFORCEMENT

ASSISTANCE ADMINISTRATION:

Richard W. Velde	Sept. 1974	Present
Donald E. Santarelli	Apr. 1973	Aug. 1974
Jerris Leonard	May 1971	Mar. 1973
Vacant	June 1970	May 1971
Charles H. Rogovin	Mar. 1969	June 1970

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SECRETARY OF HEALTH, EDUCATION,
AND WELFARE:

Caspar W. Weinberger	Feb. 1973	Present
Frank C. Carlucci (acting)	Jan. 1973	Feb. 1973
Elliot L. Richardson	June 1970	Jan. 1973
Robert H. Finch	Jan. 1969	June 1970
Wilbur J. Cohen	Mar. 1968	Jan. 1969

ASSISTANT SECRETARY FOR
HUMAN DEVELOPMENT:

Stanley B. Thomas, Jr.	Aug. 1973	Present
Stanley B. Thomas, Jr. (acting)	Apr. 1973	Aug. 1973

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	Tenure of office	
	From	To
<u>DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE (cont'd)</u>		
COMMISSIONER, OFFICE OF		
YOUTH DEVELOPMENT:		
James A. Hart	Sept. 1973	Present
Robert M. Foster (acting)	May 1973	Sept. 1973
Robert J. Gemignani	Jan. 1970	May 1973

FROM RICHARD W. VELDE

GUIDELINES PROMULGATED BY LEAA, MARCH 13, 1975

CHAPTER 27. DEINSTITUTIONALIZATION OF STATUS OFFENDERS

184. Purpose. The purpose of this effort is to design and implement model programs which both prevent the entry of juvenile status offenders into correctional institutions and detention facilities and remove such juveniles from institutions and detention facilities within two years of grant award by providing community-based alternatives and using existing diversion resources. Removal should result in reduction of the total population of juveniles in correctional institutions within the designated jurisdictions, as well as provide assurance that reentry will not occur following the two year grant period.

a. The program target is juveniles who have committed offenses which would not be criminal if committed by an adult. (Status Offenders)

b. Subgoals are:

(1) Develop and implement mechanisms at both the pre-adjudication and post-adjudication stages which utilize alternatives to secure detention.

(2) Remove juvenile status offenders incarcerated in correctional institutions.

(3) Identify and develop community-based services which provide effective alternatives to institutional and detention placement along with mechanisms for referral which hold service providers accountable on a per child basis.

(4) Evaluate efforts and develop information on the effectiveness of the various models which can be used to guide program development for juvenile status offenders in future years.

185. Range and Duration of Grants. All awards for this program will be approved for two year support, but will be funded in annual increments of 12 month periods. LEAA's commitment to fund in the second year is contingent upon satisfactory grantee performance in achieving stated objectives and compliance with the terms and conditions of the grants. No continuations are contemplated beyond the two years. It is anticipated that grants will range up to \$1.5 million over the two year period, depending on the size of the project and number of juveniles served. Funds for this program are allocated under the Crime Control Act of 1973.

186. Eligibility. All public or private not-for-profit organizations and agencies are eligible to apply.

187. Possible Program Strategies.

a. Project proposals are invited from jurisdictions which may vary in their:

(1) Community tolerance of status offenders.

(2) Accessibility of resources for status offenders.

(3) Legal approaches to status offenders.

(4) Degree of control over client activities.

(5) Interrelationships with the juvenile justice system.

b. Program strategies are:

(1) Action projects which remove populations of status offenders from correctional institutions and detention facilities and prevent their future placement in institutions and detention facilities. Programs which seek new legislation or modification of existing juvenile codes may be needed in certain jurisdictions. Therefore applications specific to this concern or combined with an action program will be entertained.

(2) Projects which strengthen alternative service delivery organizations such as national youth serving organizations, public and private agencies, professional organizations, etc., for these specific purposes.

188. Project Specifications.

a. Working Assumptions. The program is based on the following assumptions:

(1) As derived from the Juvenile Justice and Delinquency Prevention Act of 1974, juveniles labeled as "status offenders":

(a) Are detained, committed, placed, and adjudicated for offenses which would not be considered criminal if they were adults; and their detention and incarceration in correctional institutions is inappropriate and often destructive.

(b) Present adjustment problems centered in their family and community and can best be treated through community-based services.

(c) Can be treated more effectively and economically outside incarcerative settings.

(2) Community Resources:

(a) Have the responsibility, interest, and capacity to respond in creative and responsible ways to the development and delivery of services which support more constructive juvenile behavior patterns.

(b) Their response is likely to vary as a function of:

1. Community tolerance for juvenile problem behavior.

2. Resource availability/accessibility.

3. Legal provisions for dealing with status offenders separately from delinquent offenders.

4. Degree of control exercised by the juvenile justice system over community-based treatment/service programs for status offenders.

5. Extent to which programs for the treatment of status offenders control and regulate the activities of their clients.

(c) May deal with status offenders by:

1. Modifying their available resources to fit the presumed underlying etiology of types of problem behavior with which it is confronted.

2. Redefining the nature of the presenting problem of the youth to fit the resources that are available.

(3) The juvenile justice system:

(a) In status offense cases, detain, adjudicate and incarcerate as a last alternative when other community resources and services are not available, fail, or are unable to respond.

(b) Will, through its broad discretion and tradition of diverting children and youth from the criminal justice system, support alternatives to institutionalization and detention.

(c) Can make more effective use of its limited resources if status offenders are handled in a different manner.

b. Site Selection and Data Needs. Preference in selection of projects will be given to those applicants who plan to remove total populations of status offenders from specific correctional institutions, detention facilities, and jails and block entry within two years; and those which institute practices and procedures designed to reintegrate juveniles into the community with minimal criminal justice system penetration. When appropriate, under a specific program area and essential to understanding the dimensions of the problem, the application should address the following data needs:

(1) A profile which describes and documents the dimensions of the problem, e.g., operative jurisdictional definition of status offense, percentage and number of status offenders in juvenile court caseload, disposition, population of target institutions, jails, and detention facilities and percentage of status offenders from the target jurisdictions, age range, types of offenses, length of institutionalization, and institutional expenditures for status offenders. It should also provide comparable data for the remainder of youth involved in the juvenile justice system for the target jurisdiction.

(2) An inventory of existing community services which are to be used, described in terms of services presently being provided, gaps, need for new services, anticipated need for modification in scope of delivery mechanisms, and commitment to participation in the project.

(3) A system description and flow chart of the juvenile justice system as it impacts status offenders, e.g., source of referral, disposition, current alternatives to institutionalization.

(4) A description of how the juvenile justice system is to participate, the kind of mechanisms to be developed to prevent institutionalization and detention; and those methods to be used in coordinating the activities of the court,

law enforcement and social agencies. This information should be supported by statements from the court and other participants describing their anticipated involvement and responsibility for achievement of stated goals. It should also include a description of mechanisms which will ensure accountability for service delivery on a per child basis.

(5) A description of the statutory rules pertinent to the deinstitutionalization of status offenders within the target jurisdiction. It should also include a brief description of any administrative policies, procedures and/or court rules which might hinder or facilitate implementation of the project.

(6) A chart which describes program goals and subgoals with milestones and details for removal of status offenders from institutions and detention facilities and the phasing out of entry into institutions and detention facilities.

(7) A description of alternative services to institutionalization and detention supported by a description of strategies and methodology for development.

(8) In addition to appropriate base line data, all applications must include a description of program objectives in measurable terms and a preliminary work schedule which relates objectives to specific milestones.

(9) Provide a budget of the total costs to be incurred in carrying out the proposed project. Indicate plans for supplementing potential LEAA funds with other Federal, state, local or private funds in excess of the required 10% cash match.

189. Definitions.

a. Community tolerance for status offenders refers to the willingness of significant professional and/or lay members of the community to absorb status offenders in the fabric of their social institutions, such as school, church, family, welfare, recreational and employment structures. Low tolerance would be manifested by denial of responsibility for status offenders by these structures. The tolerance exhibited by communities may range upward to include the capacity to absorb status offenders into some but not others of their institutions. While no community may be expected to be totally tolerant of problem behavior, there are those sufficiently tolerant to accept and support a variety of efforts to sponsor their absorption and "normalization". Examples of low tolerance are:

(1) Schools refuse to readmit students expelled for "problem" behavior.

(2) Recreational agencies refuse to accept into their programs youth known to police and courts for minor infractions.

(3) In response to community sentiment and pressure, police enter delinquency petitions on youth accused of status offenders.

(4) Community or agency programs established to deal with problem youth in the community have an exclusively delinquent clientele.

(5) A sharply negative attitude with respect to the employment of youth with any kind of juvenile court record.

b. Resource accessibility refers to the degree to which a community has within it organizations capable of absorbing status offenders and a demonstrated willingness to serve them as clients.

(1) There may be many, some, or few agencies and organizations available to serve the needs of status offenders.

(2) Most, many, or few of the available agencies may be either willing or able to acquire the staff and competence to provide the services needed by status offenders.

c. Legal approaches refer to the existence, or lack thereof, of special statutes (PINS, CHINS, MINS) relating to status offenders. These are usually state statutes, which may be supported by local codes and ordinances. The provision of a separate category for status offenders will affect the readiness of a community or jurisdiction to implement the deinstitutionalization of status offenders.

d. Control over clients refers generally to the degree to which the lives and activities of status offenders are determined by agency staff and procedures. Examples of extreme control over clients include:

(1) In-house requirements and provision of jobs, tutoring, therapy, and recreation.

(2) Regulations concerning curfew, dating, peer associates, and interaction with family members.

(3) Close and detailed monitoring of conformity to house or agency rules, including a schedule of penalties for infractions.

e. The opposite pole of the client control continuum is represented by an absence of surveillance and regulations, exemplified by programs that:

- (1) Utilize local schools for the educational needs of clients.
- (2) Permit client autonomy in choice of peer associates, recreational activity, and the pursuit of normal interests.
- (3) Encourage continuous interaction with family members.
- (4) Foster maximum participation in agencies and institutions that serve the needs and interests of the nondelinquent youth of the community.

f. Control by the justice system refers to the extent to which status offender programs are controlled by and/or are accountable to correctional, court, probation, or police officials, rather than community organizations and agencies outside the juvenile justice system. Controls in this sense can be fiscal, administrative or political. Examples of high program control by the justice system include:

- (1) Police or probation personnel in decision making positions, or on program staff.
- (2) Requirements imposed on program staff to transmit to police or court personnel detailed reports of client behavior.
- (3) Status offender treatment programs organized and conducted by juvenile justice agencies.

g. Low justice system controlled programs are typically sponsored, staffed, and managed solely by community based agencies and organizations. Lines of accountability run chiefly to their or other governing bodies and to their source of funding support. If these are public agencies, they are concerned with health and welfare functions, and they are formally and legally independent of agencies in the juvenile justice system. However, in view of the necessary involvement of juvenile justice agencies in programs serving the needs of court designated status offenders, most will exhibit mixed forms of control. Again, the precise degree to which there exists control by and accountability to the juvenile justice system is open in principle to precise specification.

h. Coordination.

(1) The mechanism for coordination of all parties with jurisdictional authority over affected juveniles and resources essential to provision of suitable alternative services, among others, will include the juvenile court and its key operational components (diagnostic or intake and probation division), the agency or agencies responsible for juvenile correctional facilities and law enforcement, agencies responsible for provision of human services and educational institutions in the affected jurisdiction(s).

(2) This mechanism must be supported by written agreements which reflect concurrence with overall project objectives, specify the action steps to be taken by each party in relation to disposition of status offenders or the resources to be provided in support of workable community based human services. Additionally, agreements should include commitment of staff time for planning and coordination.

(3) While such mechanisms may not be operational at the preliminary application stage, a description of preliminary or supportive activities within the designated jurisdiction must be provided in sufficient detail to permit reviewers to assess feasibility of the project achieving stated goals.

i. Alternative Services. Development and management of alternative services must be supported by existence of or plans for development of:

(1) A management information system which provides systematic feedback on court disposition of all juvenile offenders by referral source and kind of offense, placement of juveniles in affected correctional institutions by kind of offense, and expenditures on a per child basis for juveniles referred for services identified as "alternatives to institutional placement".

(2) A monitoring system which assures that standards defined for alternative services are maintained, and specifically accounts for actual service delivery on a per child basis.

j. Programs which minimize the stigmatizing of youth are those which:

- (1) Avoid the use of labels which carry or acquire adverse connotations for the youth or organization with whom they may be affiliated.
- (2) Avoid the segregation of youth for the purposes of special treatment.
- (3) Avoid the identification programs in such a way that they exist only for the purpose of helping youth with serious problems. Generally, non-stigmatizing programs should be structured in such a way as to ensure that

participating youth experience the least possible impediments to family life, school and employment.

k. Detention facilities are those which provide temporary care in a physically restrictive facility prior to adjudication, pending court disposition or while awaiting transfer to other facilities as a result of court action.

1. Institutions for purposes of this program are those which are physically restrictive and where placement extends beyond 30 days.

190. Special Evaluation Requirements.

a. Since the Law Enforcement Assistance Administration will provide for an independent evaluation of all projects funded in this program, determination will be made during the application stage of costs to be incurred by grantees for evaluation. All grantees selected will be required to participate in the evaluation, make reasonable program adjustments which enhance the evaluation without reducing program effectiveness, and collect the information required by the evaluation design.

b. Data to be collected for program evaluation purposes will refer in some instances to specific projects and in others to the overall LEAA Deinstitutionalization Program design. With respect to the latter, grantees will be required to assist in the provision of data pertinent to:

- (1) The effectiveness of deinstitutionalization on changes in delinquent and conforming behavior of clients.
- (2) The relevance of deinstitutionalization to the interruption of delinquent career patterns suggested by the "stigmatizing process and labeling theory."
- (3) The comparative ease of implementation and effectiveness of programs in community settings:

- (a) Having higher and lower tolerance for juvenile behavior.
- (b) Having higher and lower resource accessibility.
- (c) With and without special and general legislative approaches to status offenders (PINS, CHINS, etc.).

(4) The comparative effectiveness of programs:

- (a) Higher and lower in degree of control over clients' lives.
- (b) Higher and lower in program control by components of the formal juvenile justice system.

(5) The impact of the deinstitutionalization program on the use of the limited resource of the juvenile justice system.

c. Other things being equal, priority will be given to project proposals which incorporate feasible experimental control designs compatible with achievement of program goals.

d. The Law Enforcement Assistance Administration will require that data collection procedures specified by the evaluator ensure the privacy and security of juvenile records. The evaluator will ensure that information identifiable to a specific private person is used only for the purpose for which obtained and it may not be used as a part of any administrative or judicial proceeding without the written consent of the child and his legal guardian or legal representative.

191. Selection Criteria. Applications will be rated and selected equally in relation to all of the following criteria. Preliminary applications will be reviewed and rated in relation to paragraph 191b, c, f, and i.

a. The extent to which a stable funding base for continuation of alternatives to incarcerative placement of status offenders can be established when LEAA funding ceases.

b. The size of the juvenile population affected in relation to costs and quality of service.

c. The extent to which there are plans for use of other public and private funds in execution of the overall plan.

d. The extent to which existing private and public serving agencies are incorporated into the planning and implementation of the plan.

e. The extent to which alternative services:

- (1) Maximize use of non-stigmatizing service approaches sponsored by public and private agencies.
- (2) Involve youth and significant others in assessment of needs and service options.

(3) Employ program strategies which seek to identify and address problems located within service delivery systems.

f. The degree to which the mechanisms for coordination:

(1) Include essential parties and specificity with respect to their respective commitments. (See paragraph 189h)

(2) Indicate that there will be a reduction in the number of juveniles incarcerated within the affected jurisdiction.

g. The extent to which there is accountability for service on a per child basis.

h. The extent to which the project can be evaluated in relation to experimental design and availability of data.

i. The extent to which there is assessment of impact of deinstitutionalization upon affected institutions and agencies and inclusion of program strategies which promote greater public awareness of the issues and community support for the program.

192. Special Requirements.

a. To support coordination and information exchange among projects, funds will be budgeted in applications to cover the cost of six meetings during the course of the two year projects. Meetings shall be planned with the grantees by mutual agreement, with the exception of the first, which will be called one week following grant award. A meeting schedule will be developed and the LEAA project monitor informed of any changes within two weeks of a scheduled meeting.

b. Two weeks following grant award, grantees shall submit a revised statement of work which reflects essential adjustments in tasks and milestones.

c. Service providers must coordinate submissions with agencies and institutions directly responsible for removal of juveniles from institutions within a designated jurisdiction.

d. Applicants with submissions which cross state or territorial boundaries in the areas of capacity building and legislative reform shall make site selections in conjunction with LEAA following award of action programs in order to maximize opportunities for impact.

193. Submission Requirements.

a. Preliminary Application.

(1) All applicants must simultaneously submit the original preliminary application to the State Planning Agency (SPA) for the affected jurisdiction(s), one copy to the cognizant Regional Office (RO) and one copy to the LEAA Central Office; or the original and two copies to the Juvenile Justice and Delinquency Prevention Task Group (JJDPPTG) in Washington, D.C., if the proposed program extends beyond state boundaries. One copy should be sent to the appropriate A-95 Clearinghouse.

(2) Upon receipt, SPAs will review and, if appropriate, coordinate preliminary applications within their state. They will forward their comments to the appropriate RO and the JJDPPTG in Washington, D.C. All institutions/not-for-profit organizations interested in submitting preliminary applications shall be allowed to do so.

(3) Regional Offices, following review, will forward their comments to the JJDPPTG in Washington.

(4) Upon receipt of SPA and RO comments, the JJDPPTG will select those preliminary applications judged to have elements most essential to successful program development. Notification will be sent to all applicants with information copies forwarded to SPAs and ROs.

(5) Preliminary applications must be mailed or hand delivered to the State Planning Agency or the JJDPPTG at the LEAA by May 16, 1975.

(a) Preliminary applications sent by mail will be considered to be received on time by the SPA or LEAA if the preliminary application was sent by registered or certified mail not later than May 16, 1975, as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service.

(b) Hand delivered preliminary applications must be taken to the SPA or, when appropriate for LEAA, to Room 742 of the LEAA building at 633 Indiana Avenue, N.W., Washington, D.C., between the hours of 9:00 a.m. and 5:30 p.m., except Saturdays, Sundays or Federal holidays.

b. Applications.

(1) The deinstitutionalization of status offenders program has been determined to be of national impact, and the format for application submission as stated in paragraph 11, Chapter 1 of Guideline Manual 4500.1C has been modified.

(2) Application distribution should be as follows:

(a) Original and two copies to the Juvenile Justice and Delinquency Prevention Task Group, LEAA, 633 Indiana Avenue, N.W., Washington, D.C., 20531.

(b) One copy to each of the appropriate A-95 Clearinghouses.

(3) LEAA will forward a copy of the application to the cognizant Regional Office and State Planning Agency for review and comment.

(4) State Planning Agency comments should be forwarded to the cognizant Regional Office within 20 days following receipt of the application.

(5) Regional Office comments should be forwarded to the JJDPPTG along with State Planning Agency comments within 30 days of receipt of application. Review comments will be considered received in time for incorporation into the final selection process if postmarked not later than September 19, 1975.

(6) Applications will be reviewed by the JJDPPTG and final recommendations made in accordance with predefined selection criteria. In most cases, awards will be made to the appropriate State Planning Agency with subgrants to the applicant.

(7) Program monitoring will be done by the JJDPPTG in conjunction with the cognizant Regional Office.

194. Preliminary Application. Part IV, the narrative statement of the preliminary application should address the following specific data needs in no more than 12 pages. You may include an appendices supportive data or documents.

a. Statement of Need.

(1) Briefly describe the dimensions of the problem and the efforts within the jurisdiction to develop alternatives to institutional placement which would be available to status offenders. Include statistical data on the number of status offenders, their socio-economic characteristics, primary referral sources, and the manner in which they are presently handled by the juvenile justice system. Describe alternatives available to juveniles at each stage of processing. Include in this section the operative jurisdictional definition of status offense, jurisdictional boundaries within which your program would operate, and sufficient demographic information to permit assessment of potential program impact.

(2) Applicants proposing projects under Paragraph 187b(2) of this Manual should provide the data most relevant to the activities to be undertaken, including descriptive information which makes clear the relationship between proposed activities and problems associated with status offenders. Programs which exceed state boundaries should identify those geographic areas in which they would expect to have the greatest impact.

b. Project Goals and Objectives. Goal statements should be specific to the expected activities of the juvenile justice system, service providers, juveniles affected, and others who may be involved in implementation of the project. The major objectives of the proposed project should be stated in measurable terms, e.g., specific activities in relation to expected results. Based upon these objectives, provide a timetable for completion of major tasks.

c. Methodology. Describe the way in which project components would be developed and applied to the problems described. Show the relationship between these activities and achievement of objectives. Identify specific agreements essential to project success and describe your progress in securing them. Include copies of agreements that have been consummated.

d. Benefits Expected. Describe expected impact upon the school system, service providers, juvenile justice system (court, police and correctional facilities), and other relevant institutions in the affected jurisdictions. Identify the expected positive and negative implications of this impact and briefly explain your plan for response.

e. Experience of Applicant. Describe the nature of your accountability for services to juveniles, experience of key personnel, fiscal experience, kind and scope of program(s) administered, relationships with organizations, institutions and interest groups vital to achievement of stated goals.

f. Evaluation Requirements. Provide a brief statement which assesses where your project would be placed in relation to the five dimensions listed under paragraph 187a of this Manual. The information provided must be sufficient to permit LEAA to locate the project along each of these dimensions. Supporting data should be supplied, if available, but we are not requesting collection of data at this stage. Also provide assurance that your project would cooperate fully in the evaluation effort as outlined in paragraph 190a of this Manual.

DEPARTMENT OF JUSTICE

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION SALARIES AND EXPENSES

Supplemental estimates, fiscal year 1975

Appropriation: Salaries and expenses, fiscal year 1975:

Appropriation to date.....	\$880,000,000
Transfer requested in annual budget estimates.....	-4,479,000
Transfer requested in support of separate transmittal.....	-3,935,000
Total transfer authority requested.....	-8,414,000

The President's annual budget provides for the transfer of \$4,479,000 from the Law Enforcement Assistance Administration (LEAA) to other Department of Justice appropriations. This transfer has already been considered by the House. Under separate transmittal, an additional \$3,935,000 is proposed for transfer from LEAA to cover a projected deficiency in "support of United States prisoners" and to provide additional resources for "Salaries and expenses, general administration," and "Salaries and expenses, Antitrust Division." The receiving appropriations have proposed language identifying the Law Enforcement Assistance Administration as the source of financing. The funds proposed for transfer from LEAA to other Department of Justice appropriations will be distributed as follows:

Appropriations receiving supplemental funding through transfer	Propose for proposed transfer	Annual budget estimate	Separate transmittal	Total
"Salaries and expenses, general administration"	Additional personnel to handle increased number of parole decisions and to cover requirements of two legislative acts.		\$129,000	\$129,000
"Salaries and expenses, general legal activities"	Increase in rates charged for preparing legal transcripts.	\$246,000		246,000
"Salaries and expenses, Antitrust Division"	Increase in rates charged for preparing legal transcripts and litigation expenses.	77,000	906,000	983,000
"Salaries and expenses, United States attorneys and marshals"	Increase in rates charged for preparing legal transcripts and increased contribution for law enforcement retirement benefits.	586,000		586,000
Federal Bureau of Investigation, "Salaries and expenses"	Increased contribution for law enforcement retirement and health benefits.	3,570,000		3,570,000
Bureau of Prisons, "Support of United States prisoners"	Increase in daily rate and continued high use during the balance of the fiscal year.		2,900,000	2,900,000
Total transfer authority requested in current year.		4,479,000	3,935,000	8,414,000

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION,
Washington, D.C., May 8, 1975.

Hon. BIRCH BAYH,
Chairman, Committee on the Judiciary, Subcommittee to Investigate Juvenile Delinquency, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to the request of John M. Rector, staff director and chief counsel of the subcommittee, for copies of correspondence relative to our request to use reprogrammed funds for juvenile justice and delinquency prevention programs, I am pleased to submit the following:

September 24, 1974 memorandum to Glen E. Pommerening, Assistant Attorney General for Administration, requesting that approval for the reprogramming request be sought;

November 13, 1974 letter from Mr. Pommerening to Mr. Walter Scott, Office of Management and Budget, requesting approval of the reprogramming;

November 19, 1974 letter from Mr. Scott approving the reprogramming request, conditioned on approval of the appropriate congressional committees and submission of an implementation plan to OMB;

November 19, 1974 memorandum from Mr. Pommerening informing of action;

December 5, 1974 letter to chairmen of appropriate congressional committees seeking approval of reprogramming request;

December 18, 1974 letter from Chairman Pastore, Senate Subcommittee on State, Justice, Commerce, and the Judiciary, approving the reprogramming request;

December 20, 1974 letter from Chairman Rooney, House Subcommittee;

February 28, 1975 letter to Mr. Pommerening from OMB Deputy Director O'Neill denying the reprogramming request;

March 18, 1975 memorandum from Mr. Pommerening informing of OMB action; and March 18, 1975 letter from Mr. Pommerening to Mr. O'Neill requesting reconsideration of denial.

You will note that, in his letter of December 20, 1974, Chairman Rooney of the House Subcommittee on State, Justice, Commerce and Judiciary, suggested that the program be implemented in accordance with discussions underway with Mr. Mizelle, staff assistant to the subcommittee. Mr. Mizelle, in the course of these discussions, indicated to us Chairman Rooney's intention that the amount to be used for the program be limited to \$10 million.

Please let me know if I can be of further assistance in this matter. The subcommittee's continued interest in the programs of the Law Enforcement Assistance Administration is appreciated.

Sincerely,

RICHARD W. VELDE
Administrator.

Enclosures.

SEPTEMBER 25, 1974.

To: Glen E. Pommerening, Assistant Attorney General for Administration.
From: Richard W. Velde, Administrator.

Subject: Resource requirements to support the Juvenile Justice and Delinquency Prevention Act of 1974.

It is requested that upon concurrence, you take necessary action to secure OMB's approval to permit reprogramming up to \$20 million (of which \$4,000,000 is currently available) of Part C reversionary block money to be reallocated for juvenile justice and delinquency prevention programs. It is also requested that LEAA be allocated an additional 51 PFT positions to permit the immediate assignment of responsibilities and initiation of new programs mandated in the Juvenile Justice and Delinquency Prevention Act.

The President has signed into law the Juvenile Justice and Delinquency Prevention Act of 1974. The enactment of this legislation substantially revises and extends Federal laws and places tremendous responsibility in the Law Enforcement Assistance Administration for coordination and administration of juvenile justice and delinquency prevention programs.

The President, in his statement of September 8, 1974, emphasized he does not intend to seek appropriations for the new programs authorized in the bill. It is, however, absolutely essential that funds and positions be available if LEAA is to initiate programs or provide assistance designed to lay the groundwork to meet our congressional mandate. The reprogramming will not result in an increase in obligatory authority this fiscal year. These funds will enable LEAA to place special emphasis on those juvenile delinquency problems deemed most urgent, provide technical assistance which is absolutely imperative if we are to truly impact on the many problems associated with juvenile delinquency, and cover the administrative support costs of the 51 positions requested.

Congress has given LEAA major responsibility for providing leadership and coordination necessary to carry out the intent of the legislation and has authorized the establishment of an Office of Juvenile Justice and Delinquency Prevention and a National Institute for Juvenile Justice and Delinquency Prevention within LEAA to carry out those functions mandated in the act. The legislation specifically mandates LEAA to develop, implement, and conduct effective methods and programs to prevent and reduce juvenile delin-

quency; divert juveniles from the traditional juvenile justice system and provide alternatives to institutionalization; improve the quality of juvenile justice in the United States; increase the capacity of State and local governments and public and private agencies to conduct effective juvenile justice and delinquency prevention and rehabilitation programs; and to provide research, evaluation and training services in the field of juvenile delinquency prevention.

For the first time in the history of the country, the Federal juvenile delinquency effort is concentrated in a single agency. The 51 additional positions are conservative in light of the magnitude of the responsibilities contained in the legislation, and are absolutely essential if LEAA is to respond fully and promptly to this comprehensive mandate. The proposed distribution of the positions requested follows:

Office of Juvenile Justice and Delinquency Prevention -----	23
Institute for Juvenile Justice and Delinquency Prevention -----	17
Office of Regional Operations (1 for each region) -----	10
Office of Operations Support -----	1
Total -----	51

Upon approval of this request, necessary action will be initiated to seek concurrence of the appropriate congressional subcommittees.

NOVEMBER 13, 1974.

Mr. WALTER SCOTT,
Associate Director for Economics and Government, Office of Management and Budget, Washington, D.C.

DEAR Mr. SCOTT: This letter is to request authority for the Law Enforcement Assistance Administration (LEAA) to reprogram up to \$20,000,000 in budget authority from part C, block grant funds to juvenile justice and delinquency prevention programs. As of this date, there are \$4,500,000 available from this source. These are funds which had been obligated to State and local governments in prior years and which have reverted to the Federal Government, as authorized under LEAA's administrative discretion (Postal Laws 93-83, title 1, part C, section 303, par. 15).

The President has signed into law the Juvenile Justice and Delinquency Prevention Act of 1974. The enactment of this legislation substantially revises and extends Federal laws and places responsibility in the Law Enforcement Assistance Administration for the coordination and administration of juvenile justice and delinquency prevention programs.

Congress has given LEAA major responsibility for providing leadership and coordination necessary to carry out the intent of the legislation and has authorized the establishment of an Office of Juvenile Justice and Delinquency Prevention and a National Institute for Juvenile Justice and Delinquency Prevention within LEAA to execute those functions mandated in the Act. The legislation specifically mandates LEAA to develop, implement, and conduct effective methods and programs to prevent and reduce juvenile delinquency; divert juveniles from the traditional juvenile justice system and provide alternatives to institutionalization; improve the quality of juvenile justice in the United States; increase the capacity of state and local governments and public and private agencies to conduct effective juvenile justice and delinquency prevention and rehabilitation programs; and to provide research, evaluation and training services in the field of juvenile delinquency prevention.

The President, in his statement of September 8, 1974, emphasized that he does not intend to seek appropriations for the new programs authorized in the bill. It is essential, however, that funds be available if LEAA is to initiate programs or provide assistance designed to meet its legislative mandate. The reprogramming will not result in an increase in obligatory authority this fiscal year; these funds will enable LEAA to place special emphasis on those juvenile problems deemed most urgent and provide technical assistance which is imperative if there is to be significant impact on the many problems associated with juvenile delinquency.

There are no additional ceiling positions currently associated with this request; consequently, the Department will try to make some accommodation to the basic needs of this activity within its current personnel ceiling. I look forward to your early approval of this request.

Sincerely,

GLEN E. POMMERENING,
Assistant Attorney General for Administration.

OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., November 19, 1974.

Mr. GLEN E. POMMERENING,
Assistant Attorney General for Administration,
Department of Justice, Washington, D.C.

DEAR Mr. POMMERENING: This is in response to your letter of November 13, 1974, requesting authority to reprogram up to \$20,000,000 in budget authority from part C, block grant funds to juvenile justice and delinquency prevention programs. These funds are to be used for the purpose of carrying out the provisions of the Juvenile Justice and Delinquency Prevention Act of 1974.

This letter approves the requested reprogramming. We request, however, that prior to implementation of this action, you obtain the approval of your 'Congressional appropriations' committee and that LEAA prepare a plan for the utilization of these funds. This plan should include a description of the procedures to be used in administering the program, an evaluation procedure that will permit an assessment of program performance in future years and a implementation time schedule. My staff is available to discuss these matters with you.

Sincerely,

WALTER D. SCOTT,
Associate Director for
Economics and Government.

NOVEMBER 19, 1974.

To: Richard W. Velde, Administrator,
Law Enforcement Assistance Administration.

From: Glen E. Pommerening,
Assistant Attorney General for Administration.

Subject: Reprograming request per your memorandum of September 26, 1974.

The Department has sent a letter to the Office of Management and Budget (OMB) to attempt to secure approval for LEAA to reprogram up to \$20 million in part C reversionary money in fiscal year 1975 for juvenile justice and delinquency prevention programs. However, OMB has refused to consider any addition to the Department's personnel ceiling.

We have based our decision concerning the \$20 million reprogramming request on the following assumptions: that the funds to be utilized are coming entirely from part C block reversionary moneys; that the Office of Management and Finance (OMF) will immediately be notified when a more precise estimate of the actual amount of available money becomes known and that LEAA will submit to OMF an updated MBO submission for program objectives which have undergone any reprogramming change.

We are trying to identify sources to increase LEAA's personnel ceiling for the purpose of accommodating the new juvenile justice initiative. Such action will be contingent upon LEAA being able to provide sufficient management and operations money to support this personnel increase. It is understood that money is available to satisfy this stipulation.

You will be notified as soon as a determination is made as to the exact additional ceiling that will be available to LEAA. We hope to identify up to twenty for this purpose. With regard to the fiscal year 1975 supplemental proposal on juvenile delinquency, we have been advised by OMB staff that there is very little possibility that such a request would be approved.

DECEMBER 5, 1974.

Hon. JOHN O. PASTORE,
Chairman, Subcommittee on Departments of State, Justice, Commerce, the
Judiciary and Related Agencies, Committee on Appropriations, U.S. Senate,
Washington, D.C.

DEAR SENATOR PASTORE: This is to request approval for the Law Enforcement Assistance Administration [LEAA] to reprogram up to \$20,000,000 in funds appropriated under the Omnibus Crime Control and Safe Streets Act to be obligated under the "block grant" component of part C of the act. These are funds which were appropriated and obligated to the States in prior years and which have been or will be allowed by the States to revert to LEAA. Ordinarily, LEAA would reobligate such reversionary funds to the other States; however, it is proposed that they be reprogrammed to several other budget activities in order to permit LEAA to carry out several targeted juvenile justice and delinquency prevention initiatives.

The budget activities into which these reversionary funds would be reprogrammed are part B, planning; part C, discretionary; part D, technology analysis, development, and dissemination; part F, technical assistance, and management and operations.

While this reprogramming authority would not address directly LEAA's new mandate under the Juvenile Justice and Delinquency Prevention Act of 1974, it would represent an initiative in recognition of the increased responsibilities that exist in this area. Specifically, the new act requires LEAA to develop, implement, and conduct effective methods and programs to prevent and reduce juvenile delinquency, including the diversion of juveniles from the traditional juvenile justice system and the provision of alternatives to institutionalization; to increase the capacity of State and local governments, as well as public and private agencies, to conduct effective juvenile justice and rehabilitation programs, and to provide research, evaluation, and training services in the field of juvenile delinquency prevention.

The need for a sustained national effort in this area was indicated repeatedly during the hearings prior to the passage of the act. The President has expressed his intention not to seek new appropriations during the current fiscal year for the newly authorized programs because of his determination to restrain Federal spending. The Department and LEAA have been seeking alternative means to implement juvenile justice initiatives, and the reprogramming of reversionary funds is the most desirable means available. Enclosed is a brief paper outlining in somewhat more specific terms the nature of the program that would be carried out with the reprogrammed funds. LEAA has also been required to submit a detailed description of program priorities, administrative procedures to assure effective implementation, and the evaluation component which will assure comprehensive program assessment in future years.

Because of the large and serious responsibility assigned to LEAA in this area and because this reprogramming would not result in an increase in new obligational authority this year, we look forward to favorable and early consideration of this request. The Office of Management and Budget has given its approval of this request.

Sincerely,

GLEN E. POMMERENING,
Assistant Attorney General for Administration

Same letter sent to Hon. John J. Rooney, Chairman of House Subcommittee on State, Justice, Commerce and the Judiciary.

Enclosure: Law Enforcement Assistance Administration, Fiscal Year 1975 Juvenile Justice and Delinquency Prevention Efforts.

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

FISCAL YEAR 1975 JUVENILE AND DELINQUENCY PREVENTION EFFORTS

The thrust of LEAA fiscal year 1975 efforts in the area of juvenile justice and delinquency prevention will focus on the development and implementation of programs which would have a significant impact on both the high rates of crime and delinquency and on the overall operation of the juvenile justice system.

Utilizing discretionary funds, our initial thrust will focus on programs to: (1) Develop and implement effective means of diverting juveniles from the traditional juvenile justice and correctional system; (2) reduce the rate of crime committed by juveniles; and (3) develop and maintain community-based alternatives to traditional forms of institutionalization.

The National Institute for Juvenile Justice and Delinquency Prevention will implement the initial phases of an information program by establishing an information bank to collect and synthesize data and knowledge concerning all aspects of juvenile delinquency, including the prevention and treatment of juvenile delinquency, and by establishing a clearinghouse and information center for the preparation, publication, and dissemination of all information regarding juvenile delinquency, including State and local juvenile delinquency prevention and treatment programs and plans, availability of resources, training and educational programs, and statistics.

The conduct, encouragement, and coordination of research and evaluation efforts will focus on new programs and methods which show promise of making a contribution toward the prevention and treatment of juvenile delinquency; the development of demonstration projects is new, innovative techniques and methods to prevent and treat juvenile delinquency; and the causes of juvenile delinquency.

Plans will be developed for a training program designed to train enrollees with respect to methods and techniques for the prevention and treatment of juvenile delinquency. In conjunction with this training program, a curriculum will be designed utilizing an interdisciplinary approach with respect to the prevention of juvenile delinquency, the treatment of juvenile delinquents, and the diversion of youths from the juvenile justice system.

Our technical assistance efforts will focus on providing States with the expertise and assistance necessary for the planning and development of comprehensive plans for juvenile justice and delinquency prevention programs.

Efforts will be initiated to develop standards for juvenile justice through review of existing reports, data, and standards, relating to the juvenile justice system in the United States, and prepare such reports for the President and Congress, which are mandated by the act.

Of the total funds reprogrammed, approximately \$1 million will be allocated to support the technical assistance effort. The balance remaining will be earmarked for other categorical grant programs to carry out the initiatives described above.

U.S. SENATE, COMMITTEE ON APPROPRIATIONS
Washington, D.C., December 18, 1974.

Mr. GLEN E. POMMERENING,
Assistant Attorney General for Administration,
Department of Justice, Washington, D.C.

DEAR MR. POMMERENING: Thank you for your letter of December 5, 1975, in which approval is requested for the Law Enforcement Assistance Administration to reprogram up to \$20 million in funds previously appropriated to that Agency, so as to provide initial funding to implement the Juvenile Justice and Delinquency Prevention Act of 1974—(Public Law 93-415, approved September 7, 1974).

This is to inform you that as chairman of the subcommittee, I approve this request.

With best wishes, I am,
Sincerely yours,

JOHN O. PASTORE, U.S. Senator.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
COMMITTEE ON APPROPRIATIONS,
Washington, D.C., December 20, 1974.

Mr. RICHARD W. VELDE,
Administrator,
Law Enforcement Assistance Administration,
Department of Justice,
Washington, D.C.

DEAR PETE: I understand that you are seeking approval for the reprogramming of certain funds in order to finance programs authorized by the Juvenile Justice and Delinquency Act of 1974.

As chairman of the subcommittee, I suggest that you embark on this program in accordance with discussions you have had with Dempsey Mizelle, staff assistant to the subcommittee. In addition, you should keep my successor chairman apprised of what is happening in this regard.

With all good wishes,
Sincerely,

JOHN J. ROONEY,
*Chairman, Subcommittee on State, Justice,
Commerce and Judiciary.*

DECEMBER 20, 1974.

Mr. GLEN E. POMMERENING,
*Assistant Attorney General for Administration,
Department of Justice,
Washington, D.C.*

DEAR MR. POMMERENING: Your letter of December 5 to the subcommittee refers to a reprogramming request, a matter on which I will have an understanding with my expected successor chairman and all members of the subcommittee.

This matter is being taken up with the Law Enforcement Assistance Administration.

Sincerely,

JOHN J. ROONEY,
*Chairman, Subcommittee on State, Justice,
Commerce and Judiciary.*

OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., February 28, 1975.

Mr. GLEN E. POMMERENING,
*Assistant Attorney General,
Department of Justice,
Washington, D.C.*

DEAR MR. POMMERENING: This is in response to your letter of February 1975, requesting approval of the LEAA program for use of reprogrammed funds for implementation of the Juvenile Justice and Delinquency Prevention Act of 1974.

At the time of the 1976 Budget Review the President indicated that he did not want to provide funding to implement this program. We are, therefore, unable to approve your request for reprogramming.

Sincerely,

PAUL H. O'NEILL,
Deputy Director.

MARCH 18, 1975

To: Richard W. Velde, Administrator,
Law Enforcement Assistance Administration.

From: GLEN E. POMMERENING,
Assistant Attorney General for Administration.

Subject: Office of Management and Budget (OMB) Response re. Juvenile Justice Reprogramming and Implementation Plan.

The Department has been advised by OMB that it has disapproved the proposed LEAA plan to implement the juvenile justice reprogramming, and that it is unable to approve the request for reprogramming.

This appears to be a reversal of OMB's previous position; hence, we are raising the question of the rescission of its previous approval with OMB seeking identification of the elements of the plan which were found to be satisfactory.

Copies of Mr. O'Neill's letter denying the request for reprogramming and reply are attached. If you have any specific questions on this matter, please

feel free to contact Mr. James F. Hoobler, Director, Management Programs and Budget Staff, at IDS 187-4323.

U.S. DEPARTMENT OF JUSTICE,
Washington, D.C., March 18, 1975.

MR. PAUL H. O'NEILL,
*Deputy Director,
Office of Management and Budget,
Washington, D.C.*

DEAR MR. O'NEILL: In his letter of November 19, 1974, Mr. Walter D. Scott approved the Department's request on behalf of the Law Enforcement Assistance Administration (LEAA) to reprogram reversionary funds to implement initiatives under the Juvenile Justice and Delinquency Prevention Act of 1974. Mr. Scott also requested that the reprogramming not be implemented until congressional approval had been obtained and a plan for use of the reprogrammed funds had been prepared.

In accordance with Mr. Scott's letter, the Department obtained the approval of both congressional appropriations subcommittees and forwarded to the Office of Management and Budget (OMB) a proposed implementation plan for review and approval. Your letter of February 28, 1975, states that OMB is "... unable to approve your request for reprogramming." We presume this disapproval rejects the LEAA plan for use of reprogrammed funds for implementation of the Juvenile Justice and Delinquency Prevention Act of 1974.

Your letter points out that, at the time of the 1976 Budget Review, "... the President indicated that he did not want to provide funding to implement this program"; however, our understanding is that this position did not bar the use of funds which had already been appropriated, which was the object of the reprogramming request. In addition, we are unable to determine which elements of the program plan were judged to be deficient; hence, we are unable to prepare a plan which would meet with OMB approval.

In view of the recent congressional approval of the reprogramming, it is our judgment that the Department and OMB are likely to be embarrassed by OMB's rescission of its previous approval. The Department, therefore, urgently requests that you consider this entire matter and clarify OMB's position.

Sincerely,

GLEN E. POMMERENING,
Assistant Attorney General for Administration.

MEMORANDUM

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION,
October 17, 1974.

To: Richard W. Velde, Administrator and Charles R. Work, Deputy Administrator.

From: Frederick P. Nader, Acting Assistant Administrator, Juvenile Justice and Delinquency Prevention.

Subject: Fiscal year 1976 budget recommendations.

Attached are budget projections for fiscal year 1976 and an assessment of the differential impact of the four requested levels of funding. It should be noted that in order to be specific about the impact of the different levels of funding, a detailed plan for the new Office of Juvenile Justice and Delinquency Prevention would be necessary. As the office has not yet been established, such a plan has not been developed, and rather than preempt the planning process necessary, the differences stated should be viewed as a best judgment at this time.

What follows is: (a) Introduction; (b) budget request by functional areas at 4 levels: \$40 million, \$75 million, \$100 million and \$125 million; (c) personnel request in same model; (d) Statement of differential impact in functional areas; and (e) Statement of differential impact of total budget.

A. INTRODUCTION

The Juvenile Justice and Delinquency Prevention Act of 1974 represents congressional efforts to develop a comprehensive, coordinated approach to the problems of juvenile delinquency in the United States. This legislation is based on the recognition by Congress of the magnitude of the delinquency problem, inadequate and unjust services for juveniles, the need for delinquency prevention efforts, the absence of sufficient technical expertise or adequate resources to deal comprehensively with the delinquency problem in States and local communities, and the need for Federal direction, coordination, resources and leadership to meet the crisis of delinquency.

Through the Office of Juvenile Justice and Delinquency Prevention, Congress has given LEAA the responsibility of providing the resources, leadership and coordination necessary to carry out the intent of the legislation. The major purposes of the act are to develop, implement, and conduct effective methods and programs to prevent and reduce juvenile delinquency; divert juveniles from the traditional juvenile justice system and provide alternatives to institutionalization; improve the quality of juvenile justice in the United States; increase the capacity of State and local governments and public and private agencies to conduct effective juvenile justice and delinquency prevention and rehabilitation programs; and to provide research, evaluation and training services in the field of juvenile delinquency prevention.

For the first time the Federal juvenile delinquency effort is concentrated in a single agency. Yet the responsibilities mandated to LEAA extend beyond itself to all other Federal agencies involved in the juvenile delinquency area, to the States, and to local communities, and encompass all aspects of the problem. It is a comprehensive mandate to which LEAA is attempting to respond.

B. 1976 BUDGET REQUEST—OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION

(In Millions)

Total.....	\$40	\$75	\$100	\$125
Administration.....	2	2.5	3	3.5
Concentration of Federal effort.....	0.5	1	1.75	2
Special emphasis.....	10	18.75	25	32
Technical assistance.....	1	2.25	3	3
States.....	22	40	53	65
Information.....	.5	1	1	1.5
Research.....	2	7.5	9.75	12.5
Training.....	1.5	1.5	3	5
Standards.....	.5	.5	.5	.5

C. JUVENILE JUSTICE AND DELINQUENCY PREVENTION OFFICE PERSONNEL
(In millions)

	Professional				Clerical				Total			
	\$40	\$75	\$100	\$125	\$40	\$75	\$100	\$125	\$75	\$100	\$125	\$125
Administration.....												\$12
Advisory committee.....												3
Coordinator Council.....												3
Regional offices.....												15
Program unit:												
Concentration of Federal effort.....												10
Special emphasis.....												15
Technical assistance.....												11
Formula grants.....												4
Institute:												
Information function.....												4
Research, demonstration, and evaluation.....												16
Training.....												13
Standards.....												0
Total.....	61	72	85	85	19	23	25	25	80	95	110	

1 Same as fiscal year 1975 request.

D. DIFFERENTIAL IMPACT BY FUNCTIONAL AREA

Administration: Administration support increases according to the amount of funding at project levels and subsequent increases in staffing.

Concentration of Federal effort

The impetus behind the development of this act emerged from a lack of concentrated Federal effort in the area of juvenile justice. The act emphasizes the need for one focal point within the Federal Government responsible for coordinating all aspects of juvenile justice and delinquency prevention. Thus, the administrator of LEAA, through the Office of Juvenile Justice and Delinquency Prevention, is responsible for the development of overall policy, objectives and priorities for all Federal juvenile delinquency programs and activities; advising the President about juvenile justice; assisting operating agencies with the development and promulgation of guidelines, regulations, etc.; and the development of annual reports and an annual plan for all juvenile delinquency programs. To assist in the accomplishment of the legislative mandates, Congress has provided, in addition to the Office of Juvenile Justice and Delinquency Prevention, for the establishment of a Coordinating Council on Juvenile Justice and Delinquency Prevention, and a National Advisory Committee for Juvenile Justice and Delinquency Prevention.

\$40 Million

The necessary annual reports would be developed. This level, however, would lack the depth that is implied by the act in Federal plan development.

\$75 Million

The critical questions of definition (juvenile delinquency, prevention, diversion) could be addressed in depth.

\$100 and \$125 Million

This level would allow for the true assessment of current policies, regulations and procedures of different Federal programs. It could then move towards the development of common guidelines as well as coordinated programmatic efforts.

Special emphasis and treatment grants

The act provides that not less than 25 per centum or more than 50 per centum of the funds appropriated each year shall be available for special emphasis prevention and treatment programs. Thus, it is clear through both the title of this section, "Special Emphasis", and the magnitude of the funding mandated, Congress intends this to be a significant effort. To reverse the trend of ever-increasing juvenile delinquency, the act stresses the need for new and innovative programs with specific emphasis on the development of new approaches, techniques and methods for juvenile delinquency programs; the need to develop and maintain community-based alternatives; the development and implementation of model programs to keep children in school. Programs funded under this section are designed to serve as models which can be utilized or replicated to reduce juvenile crime and delinquency.

\$40 Million

At this level of funding a program of national scope in the six areas set out in the law would be improbable if not impossible; new techniques; community based alternatives; diversion; upgrading service delivery; standards adoption; and model school programs. Although Safe Streets Funds can and will be used for some of these objectives, this level would provide for limited model programming.

\$75 to \$125 Million

At the higher levels of funding there is the possibility of affecting a decrease in one or more aspects of the delinquency problems. For example, a combination of standards, policy, State cooperation and infusion of substantial funds could realistically impact the juvenile corrections scene. This is also true for each of the above mentioned areas set out in the law.

Technical assistance

The National Institute will engage in a comprehensive effort to develop, conduct and provide training in the latest proven effective techniques and methods and develop technical training teams to assist State and local agencies in the development of training programs for preventing and treating juvenile delinquency. Such programs will be geared to persons preparing to work with juveniles and juvenile offenders and persons engaged in or connected with the prevention and treatment of juvenile delinquency.

\$40 Million

Would allow for basic efforts in assisting some States with the development of their juvenile justice plan, this accomplished mainly through the use of contractors.

\$75 Million

Would allow for a comprehensive effort of State plan development and continuous feedback to the evaluation of clear and consistent guidelines. Assistance could also be provided to grantees and subgrantees in their program development.

\$100 to \$125 Million

Would allow for T.A. in new approaches and advanced techniques mandated by the bill. Expected outcome would include model programs and formula for their establishment.

Assistance to States

Adherence to the principles of New Federalism affords the opportunity through the disbursement of the bulk of appropriated funds to the States, to promote a national effort toward common objectives.

In order to take advantage of the new juvenile justice legislation, the States must develop a comprehensive State plan, placing an additional strain on the SPA's administrative and planning resources.

\$40 Million

States electing to become involved at this level would have to devote the bulk of their limited new resources to extremely few of the objectives set out in the law. The program areas involved include: Community based programs as alternatives to incarceration; strengthening of families; diversion through coordination of services; comprehensive drug and alcohol abuse programs; educational programs; expanded probation and parole; youth and outreach programs; incentives (e.g., probation subsidies to decrease institutionalization, increase nonsecure facility usage, and discourage secure facility usage; develop research capability; separation of status offenders; separation of adult, juvenile detention; monitoring (and reporting the same) of facilities; fair and equitable treatment of employees affected by such problems; fiscal control; and planning and administration of State plan.

The amount per State at this level of appropriation would place, potentially, higher burden than opportunity on the SPA's. The redirection of Safe Streets Act juvenile delinquency funds to address many of these specific issues will help greatly, but the incentive for change is greatly reduced at level.

\$75 to \$125 Million

At the higher levels of funding the opportunity to promote change is proportionately increased. This is especially important in areas mandated by the law such as separation of detainee, status offender, comprehensive planning, etc., and would insure greater numbers of States willing to become involved.

Information Function

Funds are required to permit the Institute to carry out its responsibilities to serve as a clearinghouse and provide for the collection, preparation, publication, and dissemination of information regarding juvenile delinquency, the availability of resources, training and educational programs, statistics, and other pertinent data and information.

\$40 Million

Would allow limited new funds and the Institute would rely heavily on the current capabilities of the National Criminal Justice Reference Service [NCJRS] and Grants Management Information System [GMIS] to collect and disseminate information to practitioners and decisionmakers.

\$75 to \$100 Million

Would allow the Institute to strengthen its relationship with NCJRS and GMIS, improving their capabilities in the juvenile delinquency area, and concentrate its efforts to synthesize knowledge in specific areas of juvenile delinquency, on key priority areas chosen by the Office, such as community-based alternatives to incarceration and detention, diversion, and prevention.

\$125 Million

Would allow the Institute to begin to incorporate a full-information clearinghouse within its structure, intensify efforts to develop publications which synthesize information in all areas of juvenile delinquency prevention and treatment—instead of a limited number of priority areas—and begin the development of more effective technology transfer programs, geared at delivering more usable information to clients.

Research, demonstration and evaluation

Funds are required to permit the Institute to conduct, encourage, and coordinate research and evaluation into any aspect of juvenile delinquency; encourage the development and demonstration projects in new, innovative techniques and methods to prevent and treat juvenile delinquency; provide for the evaluation of all juvenile delinquency programs assisted under title II of the act and any other Federal, State, or local juvenile delinquency program, upon request of the Administrator of LEAA; prepare necessary studies for the prevention and treatment of juvenile delinquency; and disseminate the results of evaluations, research, demonstrations, and other pertinent data to individuals, agencies, and organizations concerned with the prevention and treatment of juvenile delinquency.

\$40 Million

Would allow the Institute to conduct minimally required special studies on juvenile delinquency prevention and treatment, and support built-in evaluations of special emphasis programs as mandated by the act. There would not be sufficient funds for independent evaluations of all special emphasis projects, evaluations of other Federal agencies' juvenile delinquency programs, demonstrations of innovative techniques, or basic research.

As the total budget for the Office increases, the Institute will need to devote increasing funds to evaluation of special emphasis programs.

\$75 Million

At this level, the Institute could support built-in evaluations of all special emphasis grants, although not all projects assisted under this act, and undertake the special prevention and treatment studies.

\$100 Million

At this level of funding the Institute could undertake independent, experimental evaluations of the special emphasis programs—at approximately 20 percent of total project costs—and conduct the special prevention and treatment studies. The Institute could also begin the development of evaluation criteria for State and local programs funded under the act.

\$125 Million

At this level of funding, the Institute could conduct the special emphasis evaluations and special studies, and commence programs of basic research, evaluation of a limited number of other Federal juvenile delinquency programs, as requested by the Administrator, and support demonstration efforts of advanced techniques for the prevention and treatment of juvenile delinquency.

Training

The Institute received a tremendous legislative mandate to undertake a comprehensive effort to develop, conduct, and provide training for persons now working with or preparing to work with juvenile and juvenile offenders. This mandate includes responsibilities to develop, conduct, and provide for seminars, workshops, and training programs in the most effective techniques and methods of prevention, control, and treatment of juvenile delinquency for persons engaged in the juvenile justice system; and to develop technical training teams to assist State and local agencies in the development of training programs for preventing and treating juvenile delinquency. The legislation specifically requires that a training program be established within the Institute and further mandates the Institute to design a curriculum responsive to training requirements mentioned above.

\$40 to \$75 Million

Would allow the Institute to fulfill the minimal requirement of the mandate to develop a curriculum for the national training program within the National Institute, obtain Administrator approval for the curriculum and enrollees, and develop and conduct a series of seminars, workshops, and training programs on the most effective techniques and methods at this level. Institute training would focus on the problem of providing alternatives to incarceration, diversion, and prevention programs—including law enforcement officers, probation officers, juvenile court personnel et cetera—and similarly expand the areas of field team assistance.

*Standards**\$40 to \$125 Million*

The standards responsibility is an essential part of the entire program and would be conducted at the same level of funding regardless of the change in overall program funds. Several standards projects in the juvenile delinquency area are currently underway; there would be synthesized as a base for developing recommended standards for Federal, State, and local levels.

E. DIFFERENTIAL IMPACT OF TOTAL BUDGET

In addition to the implications in each of the functional areas for the different levels of funding, there are certain further implications for whatever total dollar amount we request.

One: HBV was roundly criticized in its effort in juvenile delinquency because of its lack of initiative in funding requests to Congress. It will be less of a problem for LEAA this year—and perhaps for some time to come—because of the economic scene and the Presidential action in this area.

In spite of this, and because the economic situation compounds the delinquency problems, LEAA will run a high risk of receiving the same type of criticism by not asking for the full authorizations.

Two: Some States will be reluctant to participate at all if the funding incentive is not great enough.

I also suspect that there will be substantial pressure from the States for full funding.

Three: The problem of juvenile delinquency, in addition to what we will be able to accomplish with Safe Streets Act Funds and by coordinating Federal efforts, is of a perceived and real magnitude great enough to warrant the highest level of funding. To do otherwise will put us in the position of having the responsibility without the resources.

Enclosures.

MEMORANDUM

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION,
February 5, 1975.

To: See distribution.

From: Deputy Administrator for Administration.

Subject: Determination of fiscal year 1972 level of effort in juvenile justice.

1. In order to provide an accurate description of what our responsibilities are under section 261(b)—“In addition to the funds appropriated under this

section, the administration shall maintain from other law enforcement assistance administration appropriations other than the appropriations for administration, at least the same level of financial assistance for juvenile delinquency programs assisted by the Law Enforcement Assistance Administration during fiscal year 1972."—I am establishing an ad hoc committee to be made up of representatives of the following offices: Office of the Administration—Charles Work (Chairman); Office of the Comptroller—Robert Goffus (Vice Chairman); JJDP Task Group—Frederick Nader; Office of General Counsel—Thomas Madden; Office of Regional Operations—Joseph Nardoza; Office of National Priority programs—Paul Haynes; National Institute—Gerald Caplan; and Office of Planning and Management—James Gregg.

2. Your task is to (a) establish criteria by which Juvenile Delinquency programs can be identified; and (b) apply that criteria to all fiscal year 1972 LEAA expenditures and obligations in order to determine the LEAA level of effort for that fiscal year in Juvenile Delinquency.

3. Efforts should be made to identify the fund type, program categories and totals for individual states as well as an aggregate. DF should be treated similarly.

4. The first meeting will be held on Monday, February 10 at 11 o'clock.

CHARLES R. WORK,

Deputy Administrator for Administration.

APRIL 8, 1975.

To: Regional administrators.

Thru: Joseph A. Nardoza, Acting Assistant Administrator, Office of Regional Operations.

From: Robert C. Goffus, Comptroller.

Subject: Determination of fiscal year 1972 level of effort in juvenile justice.

Mr. Velde has requested this office to prepare an accurate report on the amount of fiscal year 1972 block grant funds dedicated to juvenile justice delinquency efforts. As of March 31, 1975 the GMIS reveals that about 90 percent of the moneys allocated to the SPAs for fiscal year 1972 has been awarded and reported to GMIS. To determine the precise level of effort dedicated to juvenile justice/delinquency we need your assistance in contacting the SPAs and obtaining from them the total amount of awards for juvenile justice/delinquency that was made from the fiscal year 1972 block (Part C and Part E) allocations. In determining whether or not a grant award was made for juvenile justice/delinquency efforts, the following definition from the Juvenile Delinquency Act should be used "the term juvenile delinquency means any program or activity related to juvenile delinquency prevention, control, diversion, treatment, rehabilitation, planning, education, training, and research, including drug and alcohol abuse programs; the improvement of the juvenile justice system; and any program or activity for neglected, abandoned, or dependent youth and other youth in danger of becoming delinquent".

For those awards that support juvenile justice and non-juvenile justice activities, the SPA should use its best efforts in prorating that portion of the award it believes is dedicated to juvenile justice activities.

The following SPAs need not be contacted because this information has been supplied by them: Maryland, Wisconsin, Puerto Rico, Illinois, New York, California, Alabama and Florida.

Information should be telecopied to Arthur Curry, Office of the Comptroller, on or before close of business April 17, 1975, using the following format:

State	Amount of Individual grants awarded for juvenile justice		
	Part C	Part E	Total

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION.

April 16, 1975.

To: Arthur Curry, Office of the Comptroller.

Through: Joseph A. Nardoza, Acting Assistant Administrator, ORO.

From: George K. Campbell, Regional Administrator, Region I, Boston.

Subject: Fiscal year 1972 level of effort in juvenile justice within the New England States.

Per your request, the amounts of fiscal year 1972 block grant funds (part C and E) dedicated to juvenile justice/delinquency efforts are provided below:

TABLE I—AMOUNT OF INDIVIDUAL GRANTS, AWARDED FOR JUVENILE JUSTICE

[Fiscal year 1972 subgrant awards as of Dec. 31, 1974]

State	Part C	Part E	Total
Connecticut.....	\$1,776,112	\$107,000	\$1,883,112
Maine.....	205,939	0	205,939
Massachusetts.....	1,734,429	550,000	2,284,429
New Hampshire.....	285,785	88,942	374,727
Rhode Island.....	316,156	36,824	352,980
Vermont.....	77,081	59,835	136,916
Region I totals.....	4,395,502	842,601	5,201,103

In certain cases portions of awards have been prorated to reflect funds allocated to the juvenile component of a program area or specific project. Every effort was made to include all relevant awards. However, given the very broad definition of juvenile delinquency used in the 1974 act, there may be some under-estimates.

Further inquiries regarding these figures should be directed toward David S. Graves, juvenile justice specialist, of this office.

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION,

April 14, 1975.

To: Robert C. Goffus, Comptroller.

Through: Joseph A. Nardoza, Acting Assistant Administrator.

From: Jules Tesler, Acting Regional Administrator.

Subject: Determination of fiscal year 1972 level of effort in juvenile justice.

As per your request of April 8, 1975, the following information is provided:

AMOUNT OF INDIVIDUAL GRANTS AWARDED FOR JUVENILE JUSTICE

State	Part C	Part E	Total
New Jersey.....	\$2,117,161	-----	\$2,117,161
Virgin Islands.....	117,200	\$15,000	132,200
New York.....	7,710,000	142,000	7,852,000
Puerto Rico.....	1,064,640	161,085	1,225,725

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION,

April 17, 1975.

To: Arthur Curry, Office of Comptroller.

From: Cornelius M. Cooper, Regional Administrator.

Subject: 1972 level of efforts in juvenile justice.

Pursuant to your April 8, 1975 request relative to the subject matter, we submit the following:

AMOUNT OF INDIVIDUAL GRANTS AWARDED FOR JUVENILE JUSTICE

State	Part C	Part E	Total
Pennsylvania.....	\$4,837,118	\$46,085	\$4,883,203
Maryland.....	2,205,000	383,000	2,588,000
District of Columbia.....	324,693	35,163	359,856
Virginia.....	2,938,395.53	0	2,938,395.53
West Virginia.....	629,702.48	0	629,702.48
Delaware.....	319,724.00	65,000	384,724

REGION IV, ATLANTA

State	Part C	Part E	Total
Georgia.....	\$940,095	0	\$940,095
Tennessee.....	1,225,023	0	1,225,023
South Carolina.....	599,180	\$102,404	701,584
North Carolina.....	1,175,821	237,265	1,413,086
Kentucky.....	1,561,174	157,350	1,718,524
Mississippi.....	1,081,171	228,826	1,309,997
Alabama.....	1,088,677	1,364,194	2,452,871
Florida.....	1,608,386	2,838,914	4,447,300

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION,
April 15, 1975.

To: Robert C. Goffus, Comptroller.
Through: Joseph A. Nardoza, Acting Assistant Administrator, ORO.
From: V. Allen Adams, Regional Administrator, Region V, Chicago.
Subject: Determination of fiscal year 1972 level of effort in juvenile justice.
Pursuant to the above request, the following information is provided:

State	Part C	Part E	Total
Ohio.....	\$4,491,060	\$854,073	\$5,345,133
Minnesota.....	2,639,343	218,142	2,857,485
Indiana.....	2,923,585	370,732	3,294,317
Michigan.....	2,391,684	1,466,867	3,858,551
Region V DF.....	692,205		692,205
Total.....	13,137,877	2,907,814	16,045,691
Wisconsin.....	2,403,697	59,597	2,463,294
Illinois.....	1,566,040	659,904	2,225,944

April 17, 1975.

To: Arthur Curry, Office of the Comptroller.
Through: Acting Assistant Administrator, ORO.
From: Regional Administrator, Dallas.
Subject: Fiscal year 1972 level of effort in juvenile justice.

AMOUNT OF INDIVIDUAL GRANTS AWARDED FOR JUVENILE JUSTICE

State	Part C	Part E	Total
Arkansas.....	\$779,644	\$40,000	\$819,644
Louisiana.....	845,384	400,000	1,245,384
New Mexico.....	(1)	(1)	(1)
Oklahoma.....	1,200,277	0	1,200,277
Texas.....	3,104,984	449,924	3,554,908

1 Data not available until Apr. 18, 1975.

April 18, 1975.

To: Arthur Curry, Office of the Comptroller.
Through: Acting Assistant Administrator, ORO.
From: Regional Administrator, Dallas.
Subject: Fiscal year 1972 level of effort in juvenile justice.

AMOUNT OF INDIVIDUAL GRANTS AWARDED FOR JUVENILE JUSTICE

State	Part C	Part E	Total
New Mexico.....	\$451,015	\$10,853	\$461,868

Please add this information to our previous message of March 17, 1975.

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION,
April 17, 1975.

To: Robert C. Goffus, Comptroller.
Attention: Art Curry, Policy, Procedures and Systems Division.
Through: Joseph A. Nardoza, Acting Assistant Administrator, ORO.
From: Marvin F. Rund, Regional Administrator, Kansas City Regional Office.
Subject: Determination of fiscal year 1972 level of effort in juvenile delinquency.

AMOUNT OF INDIVIDUAL GRANTS AWARDED FOR JUVENILE JUSTICE

State	Part C	Part E	Total
Iowa.....	\$785,360	0	\$785,360
Kansas.....	920,060	\$316,530	1,236,590
Missouri.....	1,877,324	543,467	2,420,791
Nebraska.....	713,779	46,592	760,371

1 The \$785,360 figure includes \$131,271 that was spent for juvenile drug abuse education. This type of funding is now provided by the Iowa Drug Abuse Authority and will no longer be funded by the Iowa Crime Commission. I feel that the \$131,271 could legitimately be deducted from the \$785,360 to arrive at a proper base figure.

April 16, 1975.

To: Mr. Robert C. Goffus, Comptroller.
Attention: Mr. Arthur Curry, Office of the Comptroller.
Through: Joseph A. Nardoza, Acting Assistant Administrator, Office of Regional Operations.
From: Joseph L. Mulvey, Regional Administrator, Region VIII—Denver.
Subject: Fiscal year 1972 level of effort in juvenile justice.
Amount of individual grants awarded for juvenile justice:

State	Part C	Part E	Total
Colorado.....	\$855,964	\$306,735	\$1,162,699
Utah.....	400,386	120,671	521,057
North Dakota.....	157,323	53,824	211,147
South Dakota.....	185,071	77,971	263,042
Montana.....	225,676	38,027	263,883
Wyoming.....	147,568	3,343	150,911
Total.....	1,971,988	600,751	2,572,739

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION,
Burlingame, Calif., April 14, 1975.

Reply to attention of: Frank A. Maes, Arizona State Representative.
Subject: Determination of fiscal year 1972 level of effort in juvenile justice.

To: Robert C. Goffus, Comptroller.
Attention: Arthur Curry, Office of the Comptroller, OC.
Through: Joseph A. Nardoza, Acting Assistant Administrator, Office of Regional Operations, ORO.

Per your request of April 8, 1975, the SPA's in region IX were queried with respect to the amount of fiscal year 1972 block grant funds dedicated to juvenile justice delinquency efforts with the following information being submitted by them:

AMOUNT OF INDIVIDUAL GRANTS AWARDED FOR JUVENILE JUSTICE

State	Part C	Part E	Total
Arizona.....	\$556,174	\$254,286	\$810,460
Hawaii.....	455,344	0	455,344
Nevada.....	68,389	29,204	97,593
American Samoa.....	6,031	0	6,031
Guam.....	(1)	(1)	(1)
California.....	7,376,206	2,807,862	10,184,068

¹ Information requested will be forwarded upon receipt.

If we can be of any further assistance, please advise us.

M. THOMAS CLARK,
Regional Administrator.

April 16, 1975.

From: Bernard G. Winckoski, Regional Administrator, Seattle.

To: Robert Goffus, Comptroller.

Through: Joseph A. Nardoza, Acting Assistant Administrator, ORO.

Subject: Determination of fiscal year 1972 level, in juvenile justice.

The following is in response to your April 8, 1975, message with the same subject as above:

AMOUNT OF INDIVIDUAL GRANTS AWARDED FOR JUVENILE JUSTICE

State	Part C	Part E	Total
Alaska.....	\$127,381.32	\$71,000	\$198,381.32
Idaho.....	188,927.00	97,344	286,271.00
Oregon.....	742,938.00	133,407	882,345.00
Washington.....	1,241,000.00	275,000	1,516,000.00
Region X total.....	2,300,246.32	582,751	2,882,997.32

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION.

April 21, 1975.

To: Charles R. Work, Deputy Administrator for Administration.

From: Robert C. Goffus, Comptroller.

Subject: Determination of fiscal year 1972 level of effort in juvenile justice.

In response to your request, I am enclosing a summation, by State, of juvenile justice awards from the fiscal year 1972 appropriations. This data is presented in two columns:

Column A.—The amount of awards, by State, in this column were extracted from the GMIS data base as of April 14, 1975. The total block dollar figure represents 93 percent of the total dollar awards made by the SPA's and 100 percent of the awards made by LEAA.

Column B.—The amount of awards, by State, in this column was obtained by direct contact with the SPA's. Each SPA was contacted and requested to determine the total amount of awards for 1972 juvenile justice/delinquency that was made from the fiscal year 1972 block (parts C and E) allocations. In determining whether or not a grant award was made for 1972 juvenile justice/delinquency purposes, SPA's were provided with the definition of juvenile delinquency as specified in the Juvenile Delinquency Act. For those awards that supported juvenile justice and nonjuvenile justice activities, SPA's were advised to use their best efforts in prorating that portion of the award it believed was dedicated to juvenile justice activities. The total dollar amount represents the amounts reported by each SPA plus 100 percent of the awards made by LEAA as classified by GMIS.

State	A	B	State	A	B
Alabama.....	\$1,088,677	\$1,364,194	New Jersey.....	\$4,169,970	\$2,117,161
Alaska.....	169,292	198,381	New Mexico.....	474,892	1,474,892
Arkansas.....	901,186	819,644	New York.....	10,144,372	7,852,000
Arizona.....	803,570	810,460	North Carolina.....	1,974,844	1,413,086
California.....	7,057,249	10,184,068	North Dakota.....	162,803	211,147
Colorado.....	815,889	1,162,699	Ohio.....	5,449,925	5,345,133
Connecticut.....	1,538,077	1,883,112	Oklahoma.....	588,110	1,200,277
Delaware.....	309,122	384,724	Oregon.....	701,941	882,345
District of Columbia.....	564,378	359,856	Pennsylvania.....	4,216,892	4,883,203
Florida.....	1,608,386	2,838,914	Puerto Rico.....	822,400	1,225,725
Georgia.....	1,747,730	940,095	Rhode Island.....	298,202	352,980
Guam.....	111,955	111,955	Samoa.....	(2)	6,031
Hawaii.....	542,951	455,344	South Carolina.....	567,300	701,584
Idaho.....	136,661	286,381	South Dakota.....	208,729	263,042
Illinois.....	2,529,453	2,225,944	Tennessee.....	1,589,721	1,225,023
Indiana.....	1,969,778	3,294,317	Texas.....	3,565,134	3,554,908
Iowa.....	515,101	654,089	Utah.....	540,896	521,057
Kansas.....	1,326,991	1,236,590	Vermont.....	126,785	136,916
Kentucky.....	1,663,946	1,718,524	Virgin Islands.....	159,800	132,200
Louisiana.....	885,848	1,245,384	Virginia.....	1,542,070	2,938,395
Maine.....	178,956	205,939	Washington.....	1,841,637	1,516,000
Maryland.....	2,320,250	2,589,000	West Virginia.....	537,810	629,702
Massachusetts.....	1,857,588	2,284,429	Wisconsin.....	1,866,049	2,463,294
Michigan.....	3,532,388	3,858,531	Wyoming.....	157,839	150,911
Minnesota.....	2,291,479	2,855,485			
Mississippi.....	1,008,662	1,309,997	Total block (C+E funds).....	82,699,262	89,355,432
Missouri.....	2,290,466	2,420,790	Total (institute, discretionary C+E).....	22,495,622	22,495,622
Montana.....	220,261	263,883	Total juvenile justice awards.....	105,194,884	111,851,054
Nebraska.....	542,044	760,371			
Nevada.....	99,577	97,593			
New Hampshire.....	363,230	337,727			

¹ Column B—no report received from SPA. GMIS figure used.

² Not available.

UNITED STATES DEPARTMENT OF JUSTICE,
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION,
Washington, D.C., October 17, 1974.

Hon. BIRCH BAYH,
Chairman, Subcommittee on Juvenile Delinquency, Committee on the Judiciary,
U. S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your letter to the Attorney General seeking the assessment of the Department of Justice regarding the personnel and resources necessary to fully implement the recently enacted Juvenile Justice and Delinquency Prevention Act of 1974 (Public Law 93-415).

As I am sure you are aware, the President indicated when he signed the legislation that there was a general need to restrict spending by the Federal Government due to current economic difficulties. With this in mind, the Law Enforcement Assistance Administration has been carefully studying means that would allow adequate implementation of the act's programs, while at the same time conserving Federal resources.

We are requesting permission to make up to \$20 million of previously appropriated funds available for juvenile justice and delinquency prevention programs. We are also exploring personnel alternatives to permit the immediate assignment of responsibilities and initiation of the new programs mandated by the act.

We believe that it is absolutely essential that funds and positions be available if LEAA is to initiate programs or provide assistance designed to lay the groundwork to meet our congressional mandate. While the use of previously appropriated funds would not result in an increase in obligational authority this fiscal year, it will enable us to place special emphasis on those juvenile delinquency problems deemed most urgent, provide technical assistance which is imperative if we are to truly impact on the many problems associated with juvenile delinquency, and cover the administrative support costs of the personnel required.

If all of the appropriate concurrences in our request are received, LEAA will have available for central distribution for fiscal year 1975 approximately \$40 million—the \$20 million previously appropriated, plus some fiscal year 1975 discretionary funds—for programs dealing with juvenile justice and delinquency prevention and to implement other aspects of the legislation. This will provide a firm foundation on which to base an expanded fiscal year 1976 appropriation request for programs under the new act.

Your interest in this matter and in the programs of the Law Enforcement Assistance Administration is appreciated.

Sincerely,

RICHARD W. VELDE,
Administrator.

MEMORANDUM

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION,
August 12, 1975.

To: R. Velde, C. Work, T. Madden, R. Goffus, F. Allen B. Archief, S. Kelman,
L. Thomas, R. Ulrich, J. Krovisky.

From: F. Nader.

Subject: Minutes of the juvenile justice task force meeting held on August 12, 1974 at 10:10 a.m.

The minutes of the meeting are largely reflected in the attached tasks to be done.

The meeting was called to order at 10:10 a.m. by the task force chairman, Fred Nader. The purpose of the meeting was stated as: identifying what needs to be done, when, and by whom in order to have the new OJJDP integrated into the existing structures of LEAA with minimal stress and maximum impact.

Mr. Velde and Mr. Work then identified a series of priorities which they felt the task force need address. The priorities centered around work necessary to support passage and signing of the bill and organization necessary to begin work immediately at State, regional and central office levels when the bill is signed. The specific priorities are reflected in the attached sheets. They pointed out that even if the current bill is not signed, the efforts of the task force are essential as juvenile justice is an important thrust of the Agency.

A brief history of the legislative and governmental interest in juvenile justice was outlined demonstrating how the current bill is a logical extension of this interest, and congressional awareness of the role LEAA has played in the past.

A brief discussion was held about public information regarding the work being done in preparation for OJJDP. Mr. Work will distribute a set of instructions announcing the creation of this task force. Other reports will be held until the new legislation goes into effect.

Priorities were then established and future meetings were set up. The first meeting will be Thursday, August 15 in Mr. Santarelli's conference room. The agenda for this meeting will be: (1) Mandated activities versus current activities; (2) discussion of the "no veto" paper; and (3) initial consideration of budget and personnel proposals. The second meeting will be held on Monday, August 19 at 1:30 p.m. in Mr. Santarelli's conference room; the agenda will be: (1) Impact on other offices within LEAA. The third meeting will be held on Thursday, August 22.

[ATTACHMENT I]

Tasks for the juvenile justice task force meeting due Thursday, August 15, 1974:

1. Mark Davis—xeroxed rough draft of the "no veto" paper.
2. Sam Kelman and Buddy Howell—analysis of the juvenile justice bill S. 821: (a) what is now being done by LEAA in the Central Office; and (b) additional responsibilities seen.
3. Dick Ulrich—(a) personnel in the regions now doing Justice Department work; (b) personnel in the regions that have the qualifications for doing Justice Department work; and (c) support in LEAA central that will be needed.

4. Bob Goffus—budget (issues to be considered—1975 supplement, 1976 revision, personnel, administrative budget, space, et cetera).

5. Frank Allen—brief description of Justice Department programs, State by State; what is presently included in the State comprehensive plans regards Justice Department.

6. Tom Madden—the undoing of the Finch-Mitchell letter of agreement.

7. Fred Nader—paper on the Justice Department task force on standards and goals.

[ATTACHMENT II]

Other tasks to be done:

1. List of priorities so that we start at a dead run.
2. Have grants ready to go.
3. Develop list of ex officio members recognizing differential politics.
4. Develop personnel requests (structure of office).
5. Develop strong evaluation component in light of mandate to continue to fund successful programs.
6. Need to plan on two contingencies: (a) large sum of money received; (b) small sum of money received; (budget submitted to Justice should be high option).
7. Develop a clear position with reference to prevention.
8. Develop Justice Department task force on standards and goals (standards and goals to be completed in 6-9 months).
9. Develop amendment to 1975 guidelines.
10. Review impact on SIPs and, in particular, RPUs.

MEMORANDUM

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION,
August 18, 1974.

To: R. Velde, C. Work, T. Madden, R. Goffus, F. Allen, W. Archey, S. Kelman,
B. Howell, L. Thomas, R. Ulrich, J. Krovisky.

From: Frederick P. Nader, Task Force Chairman.

Subject: Minutes of the Juvenile Justice Task Force, Thursday, August 15, 1974.

The second meeting of the Juvenile Justice Task Force was called to order at 9:35 a.m. by Chairman, Fred Nader.

The first item on the agenda was a discussion of the draft "no veto" letter prepared by Mark Davis and distributed to the Task Force Members prior to the meeting for their consideration and suggestions. The discussion which followed resulted in the following suggestions for revision:

- Minimize references to HEW's prior efforts.
- Point out potential savings to the taxpayer by effective program.
- Point out the efficiency and capability of LEAA, SPA, RPU structure for planning and delivery.
- Stress prior LEAA activity at State level and current need for national leadership.

Point out compatibility of program with new federalism thrust.
Point out that this program will be the culmination of a national movement.
The revised letter will be distributed prior to the next task force meeting.
The task force then reviewed and discussed a presentation developed and distributed by Sam Kelman and Buddy Howell on the activities mandated by the legislation in relation to current activities, and suggested personnel requirements to effectively execute the mandate. It was agreed to approach this task by reviewing program first, and to build budget and personnel requests based on that review. It was also agreed to ask Tom Madden to review the legislation to verify the comprehensiveness of the activities listed. There was no difference of opinion regarding what was presented at this time. (See attached).

Numerous questions arose with reference to personnel requirements. Some of these included: Administrative and substantive supervision of personnel assigned to the regions; choice of personnel; and reduction of clerical personnel to a 3- or 4-to-1 ratio.

Next under discussion was the National Advisory Committee which would be created by the legislation, its relation to the overall organizational structure, how it would be created, when, and the support direction and leadership that would have to be afforded this group by LEAA in order that it perform its functions most successfully. It was suggested and generally

agreed that the advisory staff be integrated with the overall organization as much as possible, with the staff allocated for it being combined with the staff set aside for the Interdepartmental Council. On the subject of the Advisory Committee, it was pointed out that Mr. Velde is interested in forming a task force on juvenile justice standards and goals as soon as possible. Mr. Velde is currently moving to accommodate this request and hopes to combine the various needs in one effort, that is, a group will be assembled via a suggested process which will be appropriate whether or not the legislation is passed and signed. Mr. Nader requested that task force members submit names for consideration.

The role of the National Institute for Juvenile Justice and Delinquency Prevention was then discussed. Current activities were examined and projected needs set out in terms of function and personnel. (See attached). Several areas of importance were covered: The interface issue between and among the Institute and the program area, NCJIS, NCJRS, clearinghouse, and GMIS; and the importance of the functions mandated in the legislation will necessitate potentially higher grade level personnel than listed on the attached.

Sam Kelman and Buddy Howell were asked to re-do the personnel requirements of the office, summarizing the mandated activities into functional areas of responsibility. Jim Shealey and Art Curry will then prepare the supplemental budget request for submission.

The task force agreed to request the entire authorization (\$75 million) for the following reasons:

LEAA has been given landmark legislation and given that prior programs were mainly criticized for low funding (including requests), our organizational integrity dictates a high request to be submitted.

The dollar amounts involved for DF funds (\$19 million) approximate what is anticipated to be awarded in ONPP this year (\$16 million).

Seventy five million dollars is a minimum amount considering the responsibilities involved.

The dollar amounts earmarked for the States (\$40 million) can easily be absorbed.

The \$75 million would be tentatively apportioned as follows: \$19 million DF (25 percent minimum by law), \$10 million Institute, \$40 million State block grants, and \$6 million to be determined, with major amount to technical assistance.

It was agreed that the bulk of money should always go to the States. Over the given base amount per State, allocations will depend upon the individual State juvenile population. Data from the Census Bureau re: juvenile population per State is now being computed and should be available next week.

The task force meeting was adjourned at 1:15 PM.

Attachments.

TASKS

General Counsel—Review Sam Kelman's paper on personnel, et cetera.
Mike Dana and Sam Kelman—Meet to discuss problems of advisory group.
All task force members—Determine impact that OJJDP will have on each current division of LEAA and current programs.
Richard Ulrich—Coordinate with Buddy and Sam on PMMG.
Fred Nader—Draft paper on Advisory Committee and how it blends in with this interim period.
Buddy and Fred—Discuss policy and position paper and how it blends in with brochure.
Arthur and Jim—(1) Analysis of bill concrete steps, issues we need to be informed of concerning anything fiscally and (2) Outline steps you'll take in sub bill supplementary transfer.
John and Sam and Buddy—Justification for manpower.

MONDAY AGENDA

Interface between S&G and Juvenile Justice Division.
Raw material for turning into budget justification and fiscal recommendation.

Organizational structure—what implications it will have on individual offices in central LEAA.

PROGRAM OFFICE

Mandated activities

I. Concentration of Federal efforts

A. Develop and implement overall policy objectives and priorities for all Federal JD programs.

B. Assist operating agencies with guidelines, budgets, et cetera.

C. Conduct and support evaluations of other Federal programs.

D. Implement Federal JD programs.

E. Annual report on Federal programs.

F. Comprehensive plan for Federal programs.

G. Joint funding.

II. Interdepartmental Council

III. Advisory Committee

IV. Administer formula grant program

V. State plans

A. Assist in development.

B. Review.

C. Approve.

VI. Special emphasis prevention and treatment programs

A. Develop and implement new program approaches, techniques, and methods.

B. Develop and maintain community-based alternatives to institutionalization.

C. Develop and implement diversion mechanisms.

D. Facilitate adoption of recommendations of Advisory Committee on Standards.

E. Implied emphasis on prevention.

VII. Annual report

VIII. Provide technical assistance to Federal, State, and local programs, agencies, individual, et cetera.

Current activities

Policy and position paper currently being worked on for LEAA. Work is also being done with Interdepartment Council. Both efforts would need to be increased greatly.

No work being done.

Very limited effort being done through Interdepartmental Council.

Work done through numerous parts of LEAA and Council. How is this different from Special Emphasis Grants?

One is being done by Council.

No work currently being done.

Some plans through Council and one possible training grant being considered.

Being worked on now.

Attendees of leadership conference have expressed interest (list attached).

Data coming from ORO. In general, current work seems inadequate. Task force on guidelines is being developed including ORO, SPA's, ONPP and others.

Presumably all our grants are for this purpose.

Work in Mass., large project in Ill. and several smaller projects relate this one of priority areas of work plan.

National competition is planned in January for this. One of major goals.

Task force on Juvenile Justice Standards currently being created.

One of major areas of priorities with numerous projects in the works.

Part of LEAA annual report.

Limited T.A. currently due to limited staff resources and no fiscal resources yet.

NATIONAL INSTITUTE FOR JUVENILE JUSTICE

*Mandated activities**I. Information clearinghouse*

A. Data Collection and Dissemination: (1) statistics; (2) research; (3) availability of resources; and (4) Federal, State, and local J.D. programs.

II. Research, demonstration and evaluation

A. Conduct, encourage, and coordinate research and evaluation.

B. Encourage development of demonstration projects and new innovative techniques.

C. Evaluate all J.D. programs assisted under title.

D. Evaluate other Federal, State, and local programs.

E. Disseminate results of research, demonstration, and evaluation.

III. Training

A. Conduct training programs for professionals, paraprofessionals, volunteers, and others.

B. Conduct seminars, workshops and training programs for Juvenile Justice System personnel.

Current activities

Juvenile delinquency division limited effort, in collaboration with NCJRS and NCJISS.

5 projects underway, 7 planned (possibly 7 others are underway or planned by other divisions of NILECJ)¹ limited dissemination of results.

No projects underway or planned by the delinquency division; several related efforts in NILECJ's office of technology transfer.²

¹The 5 projects currently underway of a research, demonstration, and evaluation nature are:

- (1) National assessment of juvenile corrections;
- (2) Evaluation of the effects of alternatives to incarceration (Mass.);
- (3) Juvenile gangs;
- (4) Delinquency in American society (causes and correlates of delinquency); and
- (5) Police diversion.

The seven planned projects consist of:

- (1) Deinstitutionalization in Illinois (a replication of the Massachusetts research);
- (2) Impact of legal process and sanctions on juvenile delinquency;
- (3) Phase I (knowledge assessments) national evaluation program studies in the following areas: (a) Youth services bureau; (b) Diversion and alternatives to incarceration; (c) Community-based alternatives to detention; and (d) Delinquency prevention;
- (4) Neighborhood youth resources centers (probably in Philadelphia).

In addition to these, there are possibly 7 projects planned or underway related to the juvenile area which are supported by other divisions of NILECJ (courts, police corrections, and community crime prevention).

²The NILECJ training program has centered around the office of technology transfer's exemplary projects program. Two such programs in the juvenile area are approaching implementation: (1) the Sacramento 601 diversion project and (2) the Philadelphia neighborhood youth resources center. In addition to training, these programs are also available for replication through funding either by the Institute, ONPP or the regional offices.

IV. Development of standards for juvenile justice

A. Review reports, data, and standards relating to juvenile justice.

B. Assist Advisory Committee on Standards in the development of standards and related recommendations.

*V. Annual report**VI. Standards and recommendations report*

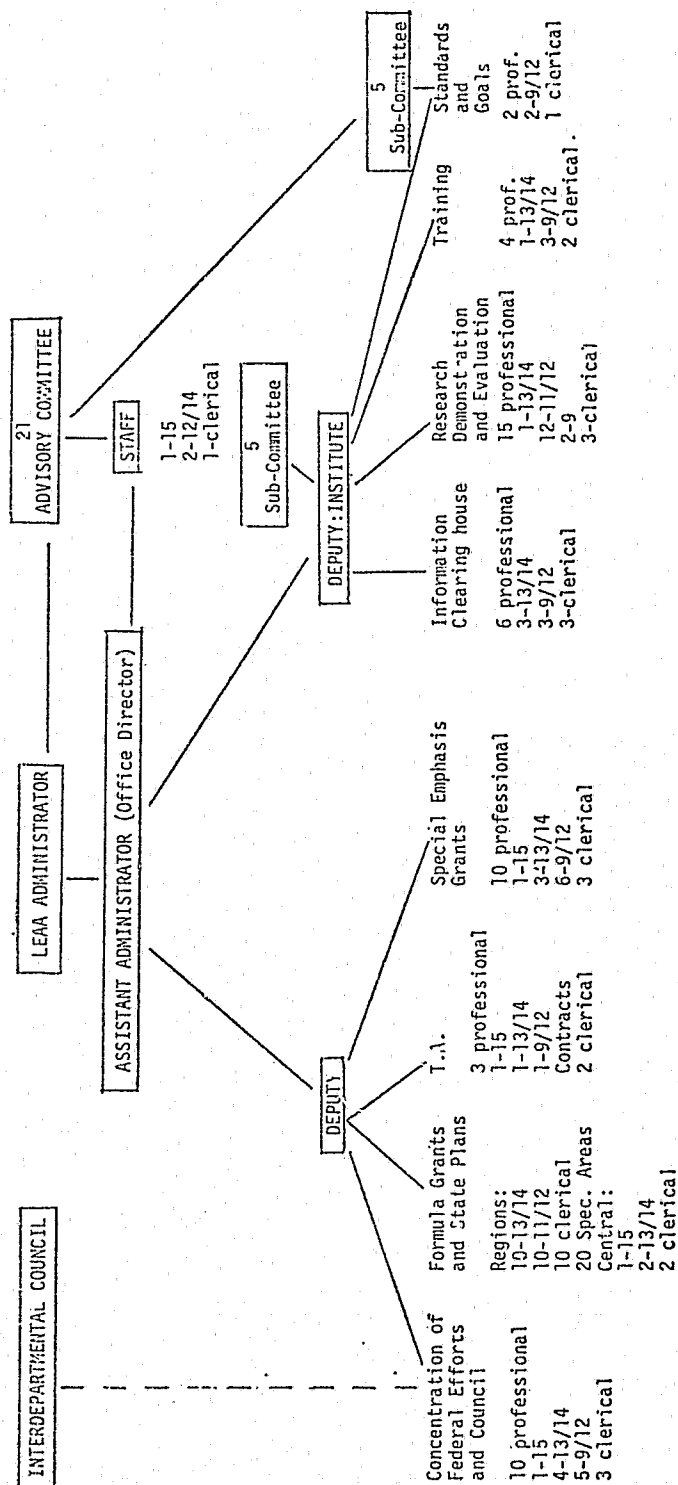
Two projects underway (National Assessment of Juvenile Corrections and the Juvenile Justice Standards projects).

ADMINISTRATIVE AND SUPPORT PERSONNEL

- 1 Administrator
- 2 Deputies
- 2 Secretaries for administrator (1 administrative assistant)
- 1 Secretary for deputy
- 1 Secretary for deputy for institute
- 1 Special assistant for administration
- 1 Special assistant for grant flow
- 1 Special assistant for personnel
- 1 Special assistant for public information
- 2 Special assistants for deputies (1 each)
- 3 Staff for planning and management
- 3 Clerical for planning and management
- 7 Clerical
- 12 Professional

TOTAL PERSONNEL REQUIREMENTS

	Professional	Clerical
Administrative and support.....	12	7
Advisory committee staff.....	3	1
Concentration of Federal effort.....	10	3
Formula grants and State plans.....	33	22
Technical assistance.....	3	2
Special emphasis grants.....	10	3
Information clearing house.....	6	3
Research, demonstration and evaluation.....	15	3
Training.....	4	2
Standards.....	2	1
Total.....	98	47



MEMORANDUM

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION,
August 19, 1974.

To: Fred Nader, Task Force Chairman.
From: Arthur E. Curry, Office of the Comptroller.
Subject: Fiscal analysis of Juvenile Act.

TITLE III

Section 474(f) permits the transfer of funds by any agency of the Federal Government to develop or demonstrate new methods in juvenile delinquency prevention and rehabilitation programs.

Section 475 permits joint funding, single nonfederal share requirements and waiver of technical grant or contract requirement.

TITLE IV

Section 48(a) funds will be allocated annually among the States on the basis of relative population of people under age 18. No allotment to any State shall be less than \$200,000 except that the Virgin Islands, Guam and American Samoa shall receive \$50,000.

Section 481(b) funds appropriated must be obligated by the end of the fiscal year. Funds not obligated shall be allocated in an equitable and consistent manner.

Section 481(c) of the total funds allocated to a State, up to 15 percent may be used for administration. On an equitable basis (no formula or percentage) the State shall make available needed funds for planning and administration to local governments.

Section 482(a) (5) at least 50 percent of the funds received by the State shall be allocated to local government. This provision may be waived for any State if the services for delinquent or potentially delinquent youth are organized primarily on a statewide basis.

Section 482(a) (7) requires that funds received by the State be equitably distributed within the State.

Section 482(a) (10) not less than 75 percent of the funds received by a State whether expended by the State or local governments shall be used for advanced techniques in developing, maintaining, and expanding programs and services.

Section 483(b) not less than 25 percent of the funds appropriated for each fiscal year shall be available for special emphasis prevention and treatment grants and contracts—discretionary program.

Section 486(2) not more than 50 percent of the cost of construction of innovative community-based facilities for less than 20 persons can be borne by the grant.

Section 487(c) Administrator may require the recipient of any grant a contract to contribute money, facilities, or services.

TITLE V

Establishes National Institute for Juvenile Justice within the Institute.

Section 602 not more than 15 percent of the annual appropriation shall be used for the NIJD.

Synopsis—Of the funds appropriated to LEAA:

(a) Not less than 25 percent shall be available for the discretionary program.

(b) Not more than 15 percent shall be used for the Institute.

(c) The balance will be allocated to the States in formula grants. Of the money allocated to the States: (i) 15 percent may be used for administration; (ii) 50 percent must be awarded to local governments; (iii) all programs funds must be distributed equitable within the State; and (iv) 75 percent of the funds expended by State agencies shall be used for advanced techniques.

(d) Federal funds can be used to pay up to 50 percent of the cost of construction for community-based facilities housing 20 or less.

(e) The Administrator may require recipient of any grant or contract to contribute money, facilities, or services.

OFFICE OF THE COMPTROLLER—PERSONNEL REQUIREMENTS

- A. *Accounting*.—1 travel voucher examiner, GS-6 and 1 accounting technician, GS-7.
- B. *Grants and contracts management*.—3 grants fiscal specialists, GS-9 to GS-11 and 1 secretary-steno, GS-5.
- C. *Policy, procedures, and systems*.—1 grants management specialists, GS-12 to GS-13 and 1 secretary-steno, GS-5.

MEMORANDUM

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION,
August 22, 1974.

To: Fred Nader.

From: Frank Alan and John Thomas.

Subject: Questions concerning the organizational impact of the pending juvenile Justice and Delinquency Act of 1974.

1. What is the relationship of the proposed JD Institute/Office and the existing JD activities?

Recommended response. All JD activities and personnel now involved in JD activities in CO will be transferred to the proposed JD Office/Institute. The existing personnel slots will not be transferred.

2. How does the present LEAA evaluation function relate to the evaluation mandated in the proposed statute?

Recommended response. All evaluation will be performed by the existing Institute evaluation unit using personnel and funds provided by the proposed act.

3. What is the general relationship of the JD Office/Institute to the rest of LEAA in terms of support services?

Recommended response. Whenever possible and consistent with the mission of the JD unit, the administrative and staff support services—(personnel, training, space, planning, coordination, etc.) will be provided by existing LEAA offices.

4. What is the significance of section 222(b) which requires the obligation of funds within the fiscal year obligated? [233(d)].

Recommended response. (a) Since the moneys will be obligated by approval of the State's comprehensive plan all plans must be approved before June 30 of the appropriate fiscal year. (b) Funds not obligated by June 30 should be used by public and private agencies to address the evaluation of the special emphasis program funded in individual participating States.

5. Should the approval of the State plan be delegated to the RA's?

Recommended response. (a) The Administrator will require the incorporation of all State JD plans into the States comprehensive plan.

(b) The approval authority of the JD plan shall be delegated to the Regional Administrator.

(c) The JD Office/Institute will prepare the approval criteria and will prepare the guideline material for inclusion in the existing planning, block, or DF guidelines.

6. Which office will be responsible for the collection of statistics for JD?

Recommended response. (a) To whatever degree possible the CDS program should be modified to include the collection of JD statistics.

b. The NCJISS should within its capacity and with funds appropriated under this program have the appropriate statistics collected and published.

7. Given the significant training function mandated by the act, which office should provide the training support?

Recommended response. The OOS/Training Office will provide the administrative support. The JD Office/Institute will develop the training materials, provide the personnel for presentations concerning policy, substantive process, program, etc., and the general oversight of the regional, State, and local training efforts.

8. Who will provide JD policy?

Recommended response. The JD Office/Institute will develop policy in the same manner as LEAA policy is developed. This policy will be disseminated only through the existing LEAA delivery system (ORO, RO's, SPA's, and RPU's) or through efforts coordinated with the concerned portions of the LEAA delivery system.

9. Staffing considerations. (a) What are the staffing requirements for—

(1) ORO—one additional coordinator or program assistant will be required.

(2) RO's—one JD specialist will be required in each RO. In addition a JD specialist should be assigned to the five RO's having the largest metropolitan areas (New York, Chicago, Southern California, Philadelphia, and Detroit) with the corresponding increased JD problem. The increased administrative and clerical work will be absorbed by the RO's.

(3) The other LEAA offices will submit their support requirements.

10. What are the priorities in establishing the JD Office/Institute?

Recommended response. The priorities will be outlined by the JD task force and each priority will be carefully phased in and assessed to insure adequate use of the required personnel.

11. What are the requirements for the SPA's.

Recommended response. (a) Some of the SPA's may choose not to participate because the benefits are not sufficient.

(b) Most, if not all, SPA's will choose to absorb their function in the existing LEAA structure. The average personnel required would be: (1) JD specialist—1¹; (2) evaluation specialist—1; (3) Grant management specialist—1¹; and (4) Clerk—1¹.

12. What is the relationship between the CO, RO, and SPA functions?

Recommended response. Further discussion and refinement is required. Basically, the CO will develop policy and the RO's and SPA's will address the administrative requirements. The RO will review and assist in the development of the JD.

The question of TA: What types of assistance and from whom—depends upon the personnel resources available. Generally the concept of a national (CO directed through the RO's and SPA's) technical assistance contract appears attractive to a large LEAA employee contingent, in order to avoid the increased administrative burden on LEAA; (e.g., only about 14 percent of the technical specialists' time is available for technical assistance according to an LEAA survey.)

MEMORANDUM

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION,
August 23, 1974.

To: Juvenile justice task force members and regular attendees.

From: Fred Nader, task force chairman.

Subject: Minutes of the meeting held on August 19, 1974 (third meeting).

The meeting was called to order at 1:30 by Fred Nader, task force chairman.

Minutes of the previous meeting were distributed, reviewed, corrected, and accepted. Correction to the minutes of second meeting, August 15, 1974: "The 75 million would be apportioned 'to' tentatively apportioned."

The minutes of the first meeting were corrected as follows: add Buddy Howell to the distribution list change Olrich to Ulrich.

It was suggested and agreed to that written comments be submitted Thursday, August 22 on the draft "no veto letter", presidential statement, and letter regarding the Richardson-Finch agreement; thus not taking more task force time on those matters.

An article "Origins of Alienation" was passed out by Fred Nader—Mr. Velde had recommended its reading.

The task force was then divided into three subgroups: personnel and budget, advisory committee and interdepartmental council, and interface and impact of new office on other units of LEAA.

Each subgroup met for approximately one hour and then reported back to the entire task force.

BUDGET AND PERSONNEL

The material prepared by Sam Kelman and Buddy Howell was reviewed and discussed. The justifications for positions were accepted. It was recommended that 10 positions be cut from the proposed additions to the regional office staff. It was also recommended that the research, demonstration and evaluation division be examined to see if some additional positions could be cut there and in the standards division.

¹ Base requirements.

Drs. Kelman and Howell were asked to continue to develop their work with Mr. Shealey and his staff into program justifications and personnel justifications for the supplementary budget presentation. A final draft is to be submitted to Fred Nader by Wednesday, August 28 so that it can be presented to Mr. Velde on August 29.

COUNCIL AND ADVISORY COMMITTEE

Judge William Nuernberger, Dr. Jerry Miller, John Thomas, and Fred Nader met to discuss the role of the coordinating council and the advisory committee. They noted that the advisory committee is a superordinate body to the coordinating council. Their tentative view of the legal mandate is that the advisory council should have its own staff. It was felt that given the similar responsibilities of the advisory committee and the council that these staffs should be combined and perhaps carry out the total mandate of "concentrated Federal effort."

Judge Nuernberger will review the bill with reference to the advisory committee and council and report back to the task force through Fred Nader.

INTERFACE WITH THE ORGANIZATION

Lee Thomas presented his view of the impact of this bill on the States. He believes: Some States won't opt to participate in this program, others will integrate the new effort into their regular structure, possibly adding a few staff members; most states will perceive the amount of additional money for implementation especially small states; there will be a great initial need for T.A. at the State level to implement this bill (i.e. changing of advisory boards, political problems involved, evaluation requirements).

The impact on the central office was then discussed.

OOS: Need additional clerical people. Question needs to be resolved re: training, whether this will be part of OOS responsibility or the OJJDP responsibility. Audio-visual aids were also discussed.

ORO: The major thrust of this discussion was to maintain the integrity of the existing delivery system, thus avoiding confusion with references to politics etc.—policy guidance needs to be clear.

OPM: Their role would continue to be in oversight of this office with special emphasis on MBO and interface with other units of the organization. It was agreed that work would hold on current MBO divisions and guideline revisions until the new bill was enacted. It was also recommended that the office start immediately upon enactment even if only with current staffs of the juvenile justice revisions of ONPP and the institute in order to get off to a "running start".

Relations to NCJIS, GMIS, etc. were also briefly discussed.

Jim Shealey is to check with other units of LEAA to determine additional needs as a result of the new office.

It was agreed that people would think about what other issues need to be considered at future meetings. Some of these are: Dollar amount to the States considering maximum impact, how to get off to an immediate start, development of guidelines (DF and State plan), and recruitment of new personnel.

The meeting was adjourned at 4:30 p.m.

MEMORANDUM

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION,
August 27, 1974.

To: All members of juvenile justice task force.
From: Fred Nader, Chairman, juvenile justice task force.
Subject: Minutes of the juvenile justice task force meeting held on August 22, 1974 at 9:30 a.m.

The meeting was called to order at 9:30 a.m. by Mr. Fred Nader, task force chairman. Mr. Nader stated the agenda as: (1) Review of the budget; (2) Discussion of information dissemination system (information to the regions, States and public interest groups); and (3) office objectives.

A paper was passed around for all to sign in order that the distribution list for the juvenile justice task force be updated. A copy is attached.

The first topic of discussion was the "Richardson-Finch" letter. A copy of the draft of this letter had been distributed at the prior task force

meeting. The letter was termed by Mr. Madden as somewhat conciliatory in tone. It was suggested that some mention of the "acts" mandate for coordination between LEAA and HEW be included in the letter. Mr. Madden will do so. Mr. Madden will also write cover memos for the letter to Mr. Velde and the attorney general. He will then present this package to Mr. Nader for further action.

The discussion of the budget opened with Sam Kelman asking Tom Madden for clarification of budget requirements regarding: (1) The advisory committee relations, (2) the coordinating council, and (3) of the office to 1 and 2.

These matters were clarified. Mr. Madden also noted that the budget for these units would be taken from the \$75 million.

Jim Senley stated that by noon Monday, he will have received the personnel needs as seen by each of the divisions within LEAA.

Mr. Nader then said that Mr. Velde has indicated that initially the personnel requests need to be on the limited side.

It was also decided in the meeting with Mr. Velde that the task force should come up with three options regarding the budget for submission to the department: (1) High \$75 million, (2) medium \$60 million, and (3) low \$40 million.

However, LEAA will initially go with the high option because of the high degree of need in this area, and consistency with congressional intent. OPM stated that MBO would be incorporated at a later date.

There then followed a long discussion on personnel slot distribution, the effects of transfers, details, etc. The task force is especially sensitive to sections which may lose personnel slots as a result of the new office and wants all options considered with this thought in mind.

It was agreed that it would be most advantageous to have the staff of the Office of Juvenile Justice and Delinquency Prevention working together in one place where they would be capable of performing efficiently as a unit, as soon as the bill is signed. It was agreed that the best approach to the necessary consolidation of effort would be through detailing current staff who are working in the area of juvenile justice now. They would in effect, work for the task force to continue to develop plans for the new office when an appropriation is signed. Art Sachs has told Mr. Nader that there is space available at 16th and K. Mr. Nader then said that it would be necessary to remember all other types of property facilities and supplies that would need to be arranged for.

Information dissemination was then discussed. Fred Nader stated that we have an obligation to keep those concerned, informed. There was a brief discussion about the need for guidelines and a process for their development which would involve all necessary parties.

Mr. Madden will have the act reviewed and all those parts of the statutes specifically requiring regulations will be identified. This paper will be available for the Monday meeting.

OPM will review the act for any ramifications for LEAA.

Mr. Nader once again mentioned that he was interested in receiving any suggestions for the advisory council membership, however, if none are forthcoming, he will assume that there are no suggestions and will proceed on his own.

At this point, a discussion ensued concerning the make-up of the Juvenile Justice Task Force. It was agreed that there should be broader representation on the Task Force and Fred Nader agreed that he would draft a memo to Pete Velde requesting the assignment of several additional professionals who would balance the membership of the Task Force.

It was agreed to set apart one hour of every meeting for a philosophical discussion to try and arrive at a common conceptual framework with regard to juvenile justice. The Monday meeting will begin with lunch, at noon in Mr. Santarelli's conference room and the Thursday meeting would end with luncheon discussion.

U.S. DEPARTMENT OF JUSTICE,
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION,
OFFICE OF THE ADMINISTRATOR,
June 6, 1975.

To: State Planning Agency directors.
From: Richard W. Velde, Administrator.
Subject: Advance notice of funding for implementation of Juvenile Justice and Delinquency Prevention Act of 1974.

On May 22, the members of the Senate-House Conference Committee on the second supplemental appropriation for fiscal year 1975 agreed to recommend to their respective houses that the Congress vote a total of \$25 million for this purpose. The Committee's recommendation will be acted on when the Congress returns from the Memorial Day recess, and, if it is approved, and signed by the President, funds could be made available to LEAA for expenditure sometime in mid or late June. This memorandum is to give you advance notice of our tentative plans should the appropriation be ultimately approved.

The Conference Committee recommendation divides the fiscal year 1975 supplemental funds into two different parts. Fifteen million is a new appropriation to be allocated according to the formula contained in the JD Act; it must be obligated by the agency no later than August 31, 1975. The other \$10 million is a reappropriation of LEAA reversionary funds. It can be used substantially as LEAA determines, but may not be distributed as additional state formula grant moneys. This portion of the appropriation remains available until December 31, 1975.

The time limits on the supplemental make it imperative that LEAA and the State Planning Agencies begin to take steps which will insure that the funds, if made available, will be quickly and wisely put to use.

Under the first portion of the supplemental, each State would be eligible for \$200,000 as the first formula grant under the Juvenile Justice and Delinquency Prevention Act of 1974. To qualify, a State would be required to prepare an acceptable Plan Supplement Document amending its fiscal year 1975 Comprehensive State Plan to meet the requirements of the JD Act.

The plan supplement would have to be presented to the Regional Office by August 1 in order for it to be approved and the grant awarded by the Regional Administrator by August 31. LEAA would not require that a state provide hard match for this award; detailed instructions setting forth the specific requirements and assurances for the first year's planning effort will be sent to you after May 30, as soon as a draft is prepared and reviewed with the SPA Guidelines Review Committee.

In addition, LEAA would allocate \$2 million of the \$10 million reappropriated moneys to the states to ensure that their planning and administration capabilities are well established by the time a fiscal year 1976 appropriation would be available. Using the formula contained in the JD Act, we would make available to each State the equivalent of one half of the amount which it could expect to be able to use from a fiscal year 1976 formula grant award for planning and administration. Under this approach, the available funds would be spread among the States according to relative population under the age of 18, with each State guaranteed a minimum of \$15,000. It would be a one-time-only grant, intended to allow each State to develop its initial planning and administration capability, which would henceforth be supported fully from its JD formula grant allocation. The amount to which each State would be entitled is shown on attachment A. The funds would be available for award as soon as they were apportioned to LEAA by the Office of Management and Budget; they would have to be awarded by December 31, 1975. To qualify for this grant, the State would complete a Special Emphasis Grant application, a copy of which is currently being prepared for distribution to you.

I urge each state to proceed with the preparation of a Special Emphasis Grant application even before final action is taken on the supplemental appropriation. It would allow you to begin hiring staff or consultants for the purpose of completing the plan supplement for a fiscal year 1975 JD formula grant award, and the needed additions to the fiscal year 1976 Comprehensive State Plan to ensure its compliance with the new JD Act. By beginning this grant application process now, we hope to be able to transmit funds to the States as rapidly as possible when they become available, thereby making maximum use of LEAA's program delivery system. If completed applications are pending in LEAA's regional offices, funds can be awarded within days of their designation for juvenile delinquency purposes.

Further details concerning the Special Emphasis Grant application, and the Plan Supplement Document for the fiscal year 1975 Formula Grant will be forthcoming.

Allocation of JJ and DP special emphasis funds for State planning and administration for first half of fiscal year 1976 under the proposed fiscal year 1975 supplemental appropriation

State	Allocation	State	Allocation
Alabama.....	\$31,000	New Hampshire.....	15,000
Alaska.....	15,000	New Jersey.....	61,000
Arizona.....	16,000	New Mexico.....	15,000
Arkansas.....	17,000	New York.....	148,000
California.....	168,000	North Carolina.....	45,000
Colorado.....	20,000	North Dakota.....	15,000
Connecticut.....	26,000	Ohio.....	95,000
Delaware.....	15,000	Oklahoma.....	21,000
District of Columbia.....	15,000	Oregon.....	18,000
Florida.....	54,000	Pennsylvania.....	98,000
Georgia.....	42,000	Rhode Island.....	15,000
Hawaii.....	15,000	South Carolina.....	24,000
Idaho.....	15,000	South Dakota.....	15,000
Illinois.....	96,000	Tennessee.....	34,000
Indiana.....	47,000	Texas.....	102,000
Iowa.....	25,000	Utah.....	15,000
Kansas.....	19,000	Vermont.....	15,000
Kentucky.....	28,000	Virginia.....	40,000
Louisiana.....	35,000	Washington.....	29,000
Maine.....	15,000	West Virginia.....	15,000
Maryland.....	35,000	Wisconsin.....	40,000
Massachusetts.....	38,000	Wyoming.....	15,000
Michigan.....	83,000	American Samoa.....	15,000
Minnesota.....	35,000	Guam.....	15,000
Mississippi.....	21,000	Puerto Rico.....	30,000
Missouri.....	39,000	Virgin Islands.....	15,000
Montana.....	15,000	Trust territory.....	15,000
Nebraska.....	15,000		
Nevada.....	15,000	Total.....	2,000,000

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION,

June 17, 1975.

NOTICE

Subject: Fiscal year 1975 Plan Supplement Document for Funding under the Juvenile Justice and Delinquency Prevention Act of 1974

1. PURPOSE

The purpose of this notice is to establish instructions for the SPAs to use in applying for funds under the initial appropriation for the Juvenile Justice and Delinquency Prevention Act of 1974 (JJDP Act). To receive funds under this appropriation, the SPA must submit a plan supplement document in accordance with the instructions set forth below.

There are four components to the plan supplement document—1) a set of assurances; 2) a detailed treatment of the SPA's plans for addressing the JJDP Act's requirements relating to the segregation of adult and juvenile offenders and the removal of status offenders from secure detention and correctional facilities; 3) a statement of the State's strategy for meeting the other requirements of the JJDP Act; and 4) a statement of how the money expended for juvenile justice from Crime Control Act funds relates programatically to the money that will be expended from JJDP Act funds.

2. SCOPE

This notice applies only to those SPAs which elect to receive fiscal year 1975 funds under the Juvenile Justice and Delinquency Prevention Act of 1974. It does not apply to SPAs which do not choose to participate in the new program.

3. APPLICATION DEADLINE

All plan supplement documents must be received by the appropriate regional office no later than August 1, 1975. All awards will be made no later than August 31, 1975.

4. AMOUNT

On June 12, 1975, the President signed an appropriation of \$25 million to LEAA for fiscal year 1975 to implement the Juvenile Justice and Delinquency Prevention Act of 1974. \$10 million of this amount has been set aside for State formula grants.

Submission of a plan supplement document will entitle each State plus the District of Columbia and Puerto Rico to \$200,000. It will entitle American Samoa, Guam, the Trust Territories of the Pacific and the Virgin Islands to \$50,000 each.

5. RELATIONSHIP TO LEAA GUIDELINE M 4100.1D CHG-1

Since this is the initial period of funding under the JJDP Act, the SPA's will not be required at this time to comply with the provisions of LEAA Guideline M 4100.1D change 1, which contains the JJDP Act requirements. It is the intention of LEAA, however, that SPAs immediately begin to address this guideline so that they can meet its requirements by September 30, 1975 and June 30, 1976, the submission dates for the fiscal year 1976 and fiscal year 1977 comprehensive State plans.

6. RELATIONSHIP TO SPECIAL EMPHASIS GRANT

Each State which elects to accept funds under the JJDP Act will also be entitled to receive a Special Emphasis grant for Juvenile Delinquency Planning and Administration capacity building. The amount to which each State is entitled under this separate grant program is contained in appendix 1. The SPA need only complete the appropriate forms (see appendix 2) and submit them to the LEAA regional office for approval in order to qualify for this Special Emphasis grant. States are encouraged to apply promptly for these Special Emphasis funds so as to make maximum use of them in the development and implementation of their fiscal year 1975, fiscal year 1976 and fiscal year 1977 JJDP Act plan submission requirements. The deadline for applying for this is December 1, 1975.

7. PLAN SUPPLEMENT REQUIREMENTS

A. *Assurances.*—The plan supplement document must contain the following assurances with a short explanation of what it intends to do to carry out each assurance.

1. That the SPA will make a maximum effort to begin bringing about coordination in the delivery of services to youths within the State.
2. That the SPA will create the advisory board required in the act, and involve it in a significant manner in the planning and administration of the JJDP formula grant funds.
3. That the SPA will make a maximum effort to begin consultations with local governments and begin enlisting their participation in the planning and administration of JJDP Act moneys.
4. That two-thirds of the funds awarded will be expended through programs of local government, or that the state intends to request a waiver of that requirement.

5. That the SPA will not use the JJDP Act moneys to supplant existing State, local, and other nonFederal expenditures.

6. That the SPA will make an equitable distribution of the moneys which it is awarding under the JJDP Act.

7. That the SPA will make a maximum effort to begin enlisting the consultation and participation of private agencies in the planning and administration of JJDP Act moneys.

8. That the SPA will use not less than 75 percent of the funds awarded for "advanced techniques".

9. That the SPA will make assistance available on an equitable basis to all disadvantaged youth.

10. That the SPA will make equitable arrangements for employees affected by assistance under the JJDP Act.

11. That the SPA will comply with other terms and conditions specified by the National Institute for Juvenile Justice and Delinquency Prevention, especially as relates to evaluation.

12. That the SPA will assure LEAA's maintenance of its fiscal year 1972 level of effort from Crime Control Act funds as set forth in LEAA guidelines.

13. That the SPA will assure compliance with the requirements of the JJDP Act concerning membership on SPA and RPU supervisory boards.

14. That the SPA will comply with other appropriate rules and regulations, including LEAA financial guidelines and planning grant and comprehensive plan guidelines for juvenile justice delinquency prevention as contained in M 4100.1D.

B. *Plan for Complying with sections 223(a)(12) and (13) of the JJDP Act.*—The plan supplement document must contain the SPA's strategy for meeting the requirements of sections 223(a)(12) and (13) of the JJDP Act and the sections of LEAA Guideline M 4100.1D which correspond to these act requirements (paragraph 82 (h) & (i)).

This strategy must:

1. Set forth in detail the State's immediate objective and goals with respect to these two sections of the JJDP Act.

2. Describe the obstacles existing in the State to achieving the goals of these two sections of the JJDP Act.

3. Describe the State's plan for overcoming these obstacles.

4. Describe how the resources made available to the SPA under the fiscal year 1975 JJDP Act formula grant will be used to help carry out this plan.

5. If JJDP Act funds are not to be spent on these two objectives, describe in detail the problems which will be addressed, the programs to be funded and the relationship of the programs to be funded to the problems which they address. Also, if the SPA elects to spend funds for programs other than these two objectives it must provide assurances that: (a) the provisions of section 223(a)(12) of the JJDP Act and paragraph 82(h) of LEAA Guideline M 4100.1D are being met satisfactorily and (b) the provisions of section 223(a)(13) of the JJDP Act and paragraph 82(i) of LEAA Guideline M 4100.1D are being addressed satisfactorily.

C. *Strategy for Implementing the Other Requirements of the JJDP Act and LEAA Guidelines.*—The plan supplement document must set forth the SPA's strategy for developing and implementing the requirements of the JJDP Act and LEAA guideline for the JJDP Act as contained in M 4100.1D. At a minimum, this strategy must address the following:

1. The SPA's place in the structure of State government, its authority to undertake the JJDP Act program and its current ability to encourage or force coordination of services for youths within the state.

2. The SPA's staffing plans.

3. The SPA's strategy and timetable for meeting its fiscal year 1976 and fiscal year 1977 JJDP Act comprehensive State plan requirements, including

2. SCOPE

This notice applies only to those SPAs which elect to receive fiscal year 1975 funds under the Juvenile Justice and Delinquency Prevention Act of 1974. It does not apply to SPAs which do not choose to participate in the new program.

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2. That the SPA will create the advisory board required in the act, and involve it in a significant manner in the planning and administration of the JJDP formula grant funds.

3. That the SPA will make a maximum effort to begin consultations with local governments and begin enlisting their participation in the planning and administration of JJDP Act moneys.

4. That two-thirds of the funds awarded will be expended through programs of local government, or that the state intends to request a waiver of that requirement.

5. That the SPA will not use the JJDP Act moneys to supplant existing State, local, and other nonFederal expenditures.

6. That the SPA will make an equitable distribution of the moneys which it is awarding under the JJDP Act.

7. That the SPA will make a maximum effort to begin enlisting the consultation and participation of private agencies in the planning and administration of JJDP Act moneys.

8. That the SPA will use not less than 75 percent of the funds awarded for "advanced techniques".

9. That the SPA will make assistance available on an equitable basis to all disadvantaged youth.

10. That the SPA will make equitable arrangements for employees affected by assistance under the JJDP Act.

11. That the SPA will comply with other terms and conditions specified by the National Institute for Juvenile Justice and Delinquency Prevention, especially as relates to evaluation.

12. That the SPA will assure LEAA's maintenance of its fiscal year 1972 level of effort from Crime Control Act funds as set forth in LEAA guidelines.

13. That the SPA will assure compliance with the requirements of the JJDP Act concerning membership on SPA and RPU supervisory boards.

14. That the SPA will comply with other appropriate rules and regulations, including LEAA financial guidelines and planning grant and comprehensive plan guidelines for juvenile justice delinquency prevention as contained in M 4100.1D.

B. Plan for Complying with sections 223(a)(12) and (13) of the JJDP Act.—The plan supplement document must contain the SPA's strategy for meeting the requirements of sections 223(a)(12) and (13) of the JJDP Act and the sections of LEAA Guideline M 4100.1D which correspond to these act requirements (paragraph 82 (h) & (i)).

This strategy must:

1. Set forth in detail the State's immediate objective and goals with respect to these two sections of the JJDP Act.

2. Describe the obstacles existing in the State to achieving the goals of these two sections of the JJDP Act.

3. Describe the State's plan for overcoming these obstacles.

4. Describe how the resources made available to the SPA under the fiscal year 1975 JJDP Act formula grant will be used to help carry out this plan.

5. If JJDP Act funds are not to be spent on these two objectives, describe in detail the problems which will be addressed, the programs to be funded and the relationship of the programs to be funded to the problems which they address. Also, if the SPA elects to spend funds for programs other than these two objectives it must provide assurances that: (a) the provisions of section 223(a)(12) of the JJDP Act and paragraph 82(h) of LEAA Guideline M 4100.1D are being met satisfactorily and (b) the provisions of section 223(a)(13) of the JJDP Act and paragraph 82(i) of LEAA Guideline M 4100.1D are being addressed satisfactorily.

C. Strategy for Implementing the Other Requirements of the JJDP Act and LEAA Guidelines.—The plan supplement document must set forth the SPA's strategy for developing and implementing the requirements of the JJDP Act and LEAA guideline for the JJDP Act as contained in M 4100.1D. At a minimum, this strategy must address the following:

1. The SPA's place in the structure of State government, its authority to undertake the JJDP Act program and its current ability to encourage or force coordination of services for youths within the state.

2. The SPA's staffing plans.

3. The SPA's strategy and timetable for meeting its fiscal year 1976 and fiscal year 1977 JJDP Act comprehensive State plan requirements, including

(a) Developing for the fiscal year 1976 plan a detailed specification of the existing data sources available to the State to carry out the detailed study of needs specified in the guidelines, together with its plans for analyzing and augmenting that data for the fiscal year 1977 detailed study of needs submission. (b) Developing for the fiscal year 1976 plan a detailed strategy for consultation and participation of local governments and private agencies in the SPA's juvenile justice and delinquency prevention planning and funding decisions. (c) Developing for the fiscal year 1976 plan a full description of the obstacles to effective coordination of services to youths within the State and its plans for attempting to remove those obstacles.

4. The SPA's strategy for implementing and administering its plan, including its strategy for developing adequate research, training, and evaluation capacities.

5. The SPA's strategy for developing a plan for monitoring jails, detention, and correctional facilities within the State.

6. The SPA's strategy for developing procedures for protecting the rights of recipients of services and for assuring appropriate privacy with regard to records relating to such services provided under the State plan.

D. *Relationship to Plans and Programs for Juvenile Justice under the Authority and Funds of the Crime Control Act.*—The plan supplement document must contain a full explanation of the programmatic relationship between the Crime Control Act funding for juvenile justice and the plans and programs proposed under the JJDF Act formula grant.

CHARLES R. WORK,
Deputy Administrator for Administration.

APPENDIX 1

State	Allocation	State	Allocation
Alabama.....	\$31,000	New Hampshire.....	\$15,000
Alaska.....	15,000	New Jersey.....	61,000
Arizona.....	16,000	New Mexico.....	15,000
Arkansas.....	17,000	New York.....	148,000
California.....	168,000	North Carolina.....	45,000
Colorado.....	20,000	North Dakota.....	15,000
Connecticut.....	26,000	Ohio.....	95,000
Delaware.....	15,000	Oklahoma.....	21,000
District of Columbia.....	15,000	Oregon.....	18,000
Florida.....	54,000	Pennsylvania.....	98,000
Georgia.....	42,000	Rhode Island.....	15,000
Hawaii.....	15,000	South Carolina.....	24,000
Idaho.....	15,000	South Dakota.....	15,000
Illinois.....	96,000	Tennessee.....	34,000
Indiana.....	47,000	Texas.....	120,000
Iowa.....	25,000	Utah.....	15,000
Kansas.....	19,000	Vermont.....	15,000
Kentucky.....	28,000	Virginia.....	40,000
Louisiana.....	35,000	Washington.....	29,000
Maine.....	15,000	West Virginia.....	15,000
Maryland.....	35,000	Wisconsin.....	40,000
Massachusetts.....	38,000	Wyoming.....	15,000
Michigan.....	83,000	American Samoa.....	15,000
Minnesota.....	35,000	Guam.....	15,000
Mississippi.....	21,000	Puerto Rico.....	30,000
Missouri.....	39,000	Virgin Islands.....	15,000
Montana.....	15,000	Trust Territory.....	15,000
Nebraska.....	15,000		
Nevada.....	15,000	Total.....	2,000,000



U. S. DEPARTMENT OF JUSTICE
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

OMB NO. 43-R-0528
EXPIRES 6/75

APPLICATION FOR FEDERAL ASSISTANCE (NONCONSTRUCTION PROGRAMS)		1. State Clearinghouse Identifier	
PART I		2. Applicant's Application No.	
3. Federal Grantor Agency		4. Applicant Name	
Organizational Unit		Department Division	
Administrative Office		Street Address - P.O. Box	
Street Address - P.O. Box		City	
City		State	
State		Zip Code	
5. Descriptive Name of the Project Special Emphasis Grant to Build State Planning Agency Juvenile Justice Planning and Administration Capacity			
6. Federal Catalog No.		7. Federal Funding Requested	
		\$	
8. Grantee Type			
State, County, City, Other (Specify)			
9. Type of Application or Request			
New Grant, Continuation, Supplement, Other Changes (Specify)			
10. Type of Assistance			
Grant, Loan, Other (Specify)			
11. Population Directly Benefiting from the Project		13. Length of Project	
12. Congressional District		14. Beginning Date	
a.		15. Date of Application	
b.			
16. The applicant certifies that to the best of his knowledge and belief the data in this application are true and correct, and that he will comply with the attached assurances if he receives the grant.			
Typed name		Title	
Signature of Authorized Representative		Telephone Number	
		AREA CODE NUMBER EXT.	
For Federal Use Only			

LEAA FORM 4000/3 (5-75) REPLACES LEAA FORM 4000/1 (7-72) AND LEAA FORM 6900/1 (7-72) WHICH ARE OBSOLETE.

INSTRUCTIONS

PART I

This form shall be used for all Federal assistance except for (a) construction, land acquisition or land development projects and (b) single purpose one-time assistance requests of less than \$10,000 which do not require a clearinghouse review, an environmental impact statement, or relocation of persons, businesses or farms. This form shall be used also to request supplemental assistance, to propose changes or amendments, and to request continuation or refunding, for approved grants originally submitted on this form.

Submit the original and two copies of the forms. If an item cannot be answered or does not appear to be related or relevant to the assistance required, write "NA" for not applicable. When a request is made for supplemental assistance, amendments or changes to an approved grant, submit only those pages which are appropriate.

Item 1 — Enter the State clearinghouse identifier. This is the code or number assigned by the clearinghouse to applications requiring State clearinghouse coordination for programs listed in Attachment D, Office of Management and Budget Circular No. A-95.

Item 2 — Enter the applicant's application number or other identifier. If a preapplication was submitted, show also the number that appeared on the preapplication if different than the application number.

Item 3 — Enter the name of the Federal grantor agency, the name of the primary organizational unit to which the application is addressed, the name of the administrative office having direct operational responsibility for managing the grant program, and the complete address of the Federal grantor agency.

Item 4 — Enter the name of the applicant, the name of the primary organizational unit which will undertake the grant supported activity, and the complete address of the applicant.

Item 5 — Enter the descriptive name of this project.

Item 6 — Enter the appropriate catalog number as shown in the Catalog of Federal Domestic Assistance. If the assistance will pertain to more than one catalog number, leave this space blank and list the catalog numbers under Part III, Section A.

Item 7 — Enter the amount that is requested from the Federal Government in this application. This amount should agree with the total amount shown in Part III, Section A, Line 5 of Column (e). For revisions, changes, or amendments, show only the amount of the increase or decrease.

Item 8 — Check one grantee type. If the grantee is other than a State, county, or city government, specify the type

of grantee on the "Other" line. Examples of other types of grantees are council of governments, interstate organizations, or special units.

Item 9 — Check the type of application or request. If the "Other Changes" block is checked, specify the type of change. The definitions for terms used in Item 9 are as follows:

- New grant — an action which is being submitted by the applicant for the first time.
- Continuation grant — an action that pertains to the continuation of a multi-year grant (e.g., the second year award for a project which will extend over five years).
- Supplemental grant — an action which pertains to an increase in the amount of the Federal contribution for the same period.
- Changes in the existing grant — Specify one or more of the following:
 - Increase in duration — a request to extend the grant period.
 - Decrease in duration — a request to reduce the grant period.
 - Decrease in amount — a request to decrease the amount of the Federal contribution.

Item 10 — Check the type of assistance requested. If the assistance involves more than one type, check two or more blocks and explain in Part IV — Program Narrative.

Item 11 — Enter the number of persons directly benefiting from this project. For example, if the project is for a neighborhood health center, enter the estimated number of residents in the neighborhood that will use the center.

Item 12

- Enter the congressional district in which the applicant is located.
- Enter the congressional district(s) in which most of the actual work on the project will be accomplished. If the work will be accomplished city-wide or State-wide, covering several congressional districts, write "city-wide" or "State-wide".

Item 13 — Enter the number of months that will be needed to complete the project after Federal funds are made available.

Item 14 — Enter the approximate date the project is expected to begin.

Item 15 — Enter the date this application is submitted.

Item 16 — Complete the certification before submitting the report.

OMB NO. 50-RO 186

PART II

PROJECT APPROVAL INFORMATION

Item 1.

Does this assistance request require State, local, regional, or other priority rating?

Yes No

Name of Governing Body _____
Priority Rating _____

Item 2.

Does this assistance request require State, or local advisory, educational or health clearances?

Yes No

Name of Agency or Board _____

(Attach Documentation)

Item 3.

Does this assistance request require clearinghouse review in accordance with OMB Circular A-95?

Yes No

(Attach Comments)

Item 4.

Does this assistance request require State, local, regional or other planning approval?

Yes No

Name of Approving Agency _____
Date _____

Item 5.

Is the proposed project covered by an approved comprehensive plan?

Yes No

Check one: State ☐
Local ☐
Regional ☐

Location of Plan _____

Item 6.

Will the assistance requested serve a Federal installation?

Yes No

Name of Federal Installation _____
Federal Population benefiting from Project _____

Item 7.

Will the assistance requested be on Federal land or installation?

Yes No

Name of Federal Installation _____
Location of Federal Land _____
Percent of Project _____

Item 8.

Will the assistance requested have an impact or effect on the environment?

Yes No

See instructions for additional information to be provided.

Item 9.

Will the assistance requested cause the displacement of individuals, families, businesses, or farms?

Yes No

Number of:
Individuals _____
Families _____
Businesses _____
Farms _____

Item 10.

Is there other related assistance on this project previous, pending, or anticipated?

Yes No

See instructions for additional information to be provided.

INSTRUCTIONS

PART II

Negative answers will not require an explanation unless the Federal agency requests more information at a later date. Provide supplementary data for all "Yes" answers in the space provided in accordance with the following instructions:

Item 1 — Provide the name of the governing body establishing the priority system and the priority rating assigned to this project.

Item 2 — Provide the name of the agency or board which issued the clearance and attach the documentation of status or approval.

Item 3 — Attach the clearinghouse comments for the application in accordance with the instructions contained in Office of Management and Budget Circular No. A-95. If comments were submitted previously with a preapplication, do not submit them again but any additional comments received from the clearinghouse should be submitted with this application.

Item 4 — Furnish the name of the approving agency and the approval date.

Item 5 — Show whether the approved comprehensive plan is State, local or regional, or if none of these, explain the

scope of the plan. Give the location where the approved plan is available for examination and state whether this project is in conformance with the plan.

Item 6 — Show the population residing or working on the Federal installation who will benefit from this project.

Item 7 — Show the percentage of the project work that will be conducted on federally-owned or leased land. Give the name of the Federal installation and its location.

Item 8 — Describe briefly the possible beneficial and harmful impact on the environment of the proposed project. If an adverse environmental impact is anticipated, explain what action will be taken to minimize the impact. Federal agencies will provide separate instructions if additional data is needed.

Item 9 — State the number of individuals, families, businesses, or farms this project will displace. Federal agencies will provide separate instructions if additional data is needed.

Item 10 — Show the Federal Domestic Assistance Catalog number, the program name, the type of assistance, the status and the amount of each project where there is related previous, pending or anticipated assistance. Use additional sheets, if needed.

PART III — BUDGET INFORMATION						
SECTION A — BUDGET SUMMARY						
Grant Program, Function or Activity (a)	Federal Estimate No. (b)	Estimated Unobligated Funds		New or Revised Budget		
		Federal (c)	Non-Federal (d)	Federal (e)	Non-Federal (f)	Total (g)
1.		\$	\$	\$	\$	\$
2.						
3.						
4.						
5. TOTALS		\$	\$	\$	\$	\$
SECTION B — BUDGET CATEGORIES						
6. Object Class Categories	— Grant Program, Function or Activity				Total (5)	
	(1)	(2)	(3)	(4)		
a. Personnel	\$	\$	\$	\$	\$	
b. Fringe Benefits						
c. Travel						
d. Equipment						
e. Supplies						
f. Contractual						
g. Construction						
h. Other						
i. Total Direct Charges						
j. Indirect Charges						
k. TOTALS	\$	\$	\$	\$	\$	
7. Program Income	\$	\$	\$	\$	\$	

INSTRUCTIONS

PART III

General Instructions

This form is designed so that application can be made for funds from one or more grant programs. In preparing the budget, adhere to any existing Federal grantor agency guidelines which prescribe how and whether budgeted amounts should be separately shown for different functions or activities within the program. For some programs, grantor agencies may require budgets to be separately shown by function or activity. For other programs, grantor agencies may not require a breakdown by function or activity. Sections A, B, C, and D should include budget estimates for the whole project except when applying for assistance which requires Federal authorization in annual or other funding period increments. In the latter case, Sections A, B, C, and D should provide the budget for the first budget period (usually a year) and Section E should present the need for Federal assistance in the subsequent budget periods. All applications should contain a breakdown by the object class categories shown in Lines a-k of Section B.

Section A. Budget Summary
Lines 1-4, Columns (a) and (b).

For applications pertaining to a single Federal grant program (Federal Domestic Assistance Catalog number) and not requiring a functional or activity breakdown, enter on Line 1 under Column (a) the catalog program title and the catalog number in Column (b).

For applications pertaining to a single program requiring budget amounts by multiple functions or activities, enter the name of each activity or function on each line in Column (a), and enter the catalog number in Column (b). For applications pertaining to multiple programs where none of the programs require a breakdown by function or activity, enter the catalog program title on each line in Column (a) and the respective catalog number on each line in Column (b).

For applications pertaining to multiple programs where one or more programs require a breakdown by function or activity, prepare a separate sheet for each program requiring the breakdown. Additional sheets should be used when one form does not provide adequate space for all breakdown of data required. However, when more than one sheet is used, the first page should provide the summary totals by programs.

Lines 1-4, Columns (c) through (g).

For new applications, leave Columns (c) and (d) blank. For each line entry in Columns (a) and (b), enter in Columns (e), (f), and (g) the appropriate amounts of funds needed to support the project for the first funding period (usually a year).

For continuing grant program applications, submit these forms before the end of each funding period as required by

the grantor agency. Enter in Columns (c) and (d) the estimated amounts of funds which will remain unobligated at the end of the grant funding period only if the Federal grantor agency instructions provide for this. Otherwise, leave these columns blank. Enter in columns (e) and (f) the amounts of funds needed for the upcoming period. The amount(s) in Column (g) should be the sum of amounts in Columns (e) and (f).

For supplemental grants and changes to existing grants, do not use Columns (c) and (d). Enter in Column (e) the amount of the increase or decrease of Federal funds and enter in Column (f) the amount of the increase or decrease of non-Federal funds. In Column (g) enter the new total budgeted amount (Federal and non-Federal) which includes the total previous authorized budgeted amounts plus or minus, as appropriate, the amounts shown in Columns (e) and (f). The amount(s) in Column (g) should not equal the sum of amounts in Columns (e) and (f).

Line 5 — Show the totals for all columns used.

Section B. Budget Categories

In the column headings (1) through (4), enter the titles of the same programs, functions, and activities shown on Lines 1-4, Column (a), Section A. When additional sheets were prepared for Section A, provide similar column headings on each sheet. For each program, function or activity, fill in the total requirements for funds (both Federal and non-Federal) by object class categories.

Lines 6a-h — Show the estimated amount for each direct cost budget (object class) category for each column with program, function or activity heading.

Line 6i — Show the totals of Lines 6a to 6h in each column.

Line 6j — Show the amount of indirect cost. Refer to Office of Management and Budget Circular No. A-87.

Line 6k — Enter the total of amounts on Lines 6i and 6j. For all applications for new grants and continuation grants the total amount in column (5), Line 6k, should be the same as the total amount shown in Section A, Column (g), Line 5. For supplemental grants and changes to grants, the total amount of the increase or decrease as shown in Columns (1)-(4), Line 6k should be the same as the sum of the amounts in Section A, Columns (e) and (f) on Line 5. When additional sheets were prepared, the last two sentences apply only to the first page with summary totals.

Line 7 — Enter the estimated amount of income, if any, expected to be generated from this project. Do not add or subtract this amount from the total project amount. Show under the program narrative statement the nature and source of income. The estimated amount of program income may be considered by the Federal grantor agency in determining the total amount of the grant.

SECTION C - NON-FEDERAL RESOURCES				
(a) Grant Program	(b) APPLICANT	(c) STATE	(d) OTHER SOURCES	(e) TOTALS
8.	\$	\$	\$	\$
9.				
10.				
11.				
12. TOTALS	\$	\$	\$	\$

SECTION D - FORECASTED CASH NEEDS					
	Total for 1st Year	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
13. Federal	\$	\$	\$	\$	\$
14. Non-Federal					
15. TOTAL	\$	\$	\$	\$	\$

SECTION E - BUDGET ESTIMATES OF FEDERAL FUNDS NEEDED FOR BALANCE OF THE PROJECT				
(a) Grant Program	FUTURE FUNDING PERIODS (YEARS)			
	(b) FIRST	(c) SECOND	(d) THIRD	(e) FOURTH
16.	\$	\$	\$	\$
17.				
18.				
19.				
20. TOTALS	\$	\$	\$	\$

SECTION F - OTHER BUDGET INFORMATION	
(Attach additional Sheets If Necessary)	
21. Direct Charges:	
22. Indirect Charges:	
23. Remarks:	

PART IV PROGRAM NARRATIVE (Attach per instruction)

INSTRUCTIONS

PART III
(continued)

Section C. Source of Non-Federal Resources

Line 8-11 - Enter amounts of non-Federal resources that will be used on the grant. (See attachment F, Office of Management and Budget Circular No. A-102.) See LEAA Instructions this page.

Column (a) - Enter the program titles identical to Column (a), Section A. A breakdown by function or activity is not necessary.

Column (b) - Enter the amount of cash and in-kind contributions to be made by the applicant as shown in Section A. (See also Attachment F, Office of Management and Budget Circular No. A-102.)

Column (c) - Enter the State contribution if the applicant is not a State or State agency. Applicants which are a State or State agencies should leave this column blank.

Column (d) - Enter the amount of cash and in-kind contributions to be made from all other sources.

Column (e) - Enter totals of Columns (b), (c), and (d). Line 12 - Enter the total for each of Columns (b)-(e). The amount in Column (e) should be equal to the amount on Line 5, Column (f), Section A.

Section D. Forecasted Cash Needs

Line 13 - Enter the amount of cash needed by quarter from the grantor agency during the first year.

Line 14 - Enter the amount of cash from all other sources needed by quarter during the first year.

LEAA Instructions

Applicants must provide on a separate sheet(s) a budget narrative which will detail by budget category, the federal and nonfederal (in-kind and cash) share. The grantee cash contribution should be identified as to its source, i.e., funds appropriated by a state or local unit of government or donation from a private source. The narrative should relate the items budgeted to project activities and should provide a justification and explanation for the budgeted items including the criteria and data used to arrive at the estimates for each budget category.

Line 15 - Enter the totals of amounts on Lines 13 and 14.

Section E. Budget Estimates of Federal Funds Needed for Balance of the Project

Lines 16-19 - Enter in Column (a) the same grant program titles shown in Column (a), Section A. A breakdown by function or activity is not necessary. For new applications and continuing grant applications, enter in the proper columns amounts of Federal funds which will be needed to complete the program or project over the succeeding funding periods (usually in years). This Section need not be completed for amendments, changes, or supplements to funds for the current year of existing grants.

If more than four lines are needed to list the program titles submit additional schedules as necessary.

Line 20 - Enter the total for each of the Columns (b)-(e). When additional schedules are prepared for this Section, annotate accordingly and show the overall totals on this line.

Section F - Other Budget Information.

Line 21 - Use this space to explain amounts for individual direct object cost categories that may appear to be out of the ordinary or to explain the details as required by the Federal grantor agency.

Line 22 - Enter the type of indirect rate (provisional, pre-determined, final or fixed) that will be in effect during the funding period, the estimated amount of the base to which the rate is applied, and the total indirect expense.

Line 23 - Provide any other explanations required herein or any other comments deemed necessary.

INSTRUCTIONS

PART IV
PROGRAM NARRATIVE

Prepare the program narrative statement in accordance with the following instructions for all new grant programs. Requests for continuation or refunding and changes on an approved project should respond to item 5b only. Requests for supplemental assistance should respond to question 5c only.

1. OBJECTIVES AND NEED FOR THIS ASSISTANCE.

Pinpoint any relevant physical, economic, social, financial, institutional, or other problems requiring a solution. Demonstrate the need for assistance and state the principal and subordinate objectives of the project. Supporting documentation or other testimonies from concerned interests other than the applicant may be used. Any relevant data based on planning studies should be included or footnoted.

2. RESULTS OR BENEFITS EXPECTED.

Identify results and benefits to be derived. For example, when applying for a grant to establish a neighborhood health center provide a description of who will occupy the facility, how the facility will be used, and how the facility will benefit the general public.

3. APPROACH.

- a. Outline a plan of action pertaining to the scope and detail of how the proposed work will be accomplished for each grant program, function or activity, provided in the budget. Cite factors which might accelerate or decelerate the work and your reason for taking this approach as opposed to others. Describe any unusual features of the project such as design or technological innovations, reductions in cost or time, or extraordinary social and community involvement.
- b. Provide for each grant program, function or activity, quantitative monthly or quarterly projections of the accomplishments to be achieved in such terms as the number of jobs created; the number of people served; and the number of patients treated. When accomplishments cannot be quantified by activity or function, list them in chronological order to show the schedule of accomplishments and their target dates.

- c. Identify the kinds of data to be collected and maintained and discuss the criteria to be used to evaluate the results and successes of the project. Explain the methodology that will be used to determine if the needs identified and discussed are being met and if the results and benefits identified in item 2 are being achieved.

- d. List organizations, cooperators, consultants, or other key individuals who will work on the project along with a short description of the nature of their effort or contribution.

4. GEOGRAPHIC LOCATION

Give a precise location of the project or area to be served by the proposed project. Maps or other graphic aids may be attached.

5. IF APPLICABLE, PROVIDE THE FOLLOWING INFORMATION:

- a. For research or demonstration assistance requests, present a biographical sketch of the program director with the following information; name, address, phone number, background, and other qualifying experience for the project. Also, list the name, training and background for other key personnel engaged in the project.
- b. Discuss accomplishments to date and list in chronological order a schedule of accomplishments, progress or milestones anticipated with the new funding request. If there have been significant changes in the project objectives, location approach, or time delays, explain and justify. For other requests for changes or amendments, explain the reason for the change(s). If the scope or objectives have changed or an extension of time is necessary, explain the circumstances and justify. If the total budget has been exceeded, or if individual budget items have changed more than the prescribed limits contained in Attachment K to Office of Management and Budget Circular No. A-102, explain and justify the change and its effect on the project.
- c. For supplemental assistance requests, explain the reason for the request and justify the need for additional funding.

PART V

ASSURANCES

The Applicant hereby assures and certifies that he will comply with the regulations, policies, guidelines, and requirements including OMB Circulars Nos. A-87, A-95, and A-102, as they relate to the application, acceptance and use of Federal funds for this Federally assisted project. Also the Applicant assures and certifies with respect to the grant that:

1. It possesses legal authority to apply for the grant; that a resolution, motion or similar action has been duly adopted or passed as an official act of the applicant's governing body, authorizing filing of the application, including all understanding and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.
2. It will comply with Title VI of the Civil Rights Act of 1964 (P.L. 88-352) and in accordance with Title VI of that Act, no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the applicant receives Federal financial assistance and will immediately take any measures necessary to effectuate this agreement.
3. It will comply with Title VI of the Civil Rights Act of 1964 (42 USC 2000d) prohibiting employment discrimination where (1) the primary purpose of a grant is to provide employment or (2) discriminatory employment practices will result in unequal treatment of persons who are or should be benefiting from the grant-aided activity.
4. It will comply with requirements of the provisions of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (P.L. 91-646) which provides for fair and equitable treatment of persons displaced as a result of Federal and federally assisted programs.
5. It will comply with the provisions of the Hatch Act which limit the political activity of employees.
6. It will comply with the minimum wage and maximum hours provisions of the Federal Fair Labor Standards Act, as they apply to hospital and educational institution employees of State and local governments.
7. It will establish safeguards to prohibit employees from using their positions for a purpose that is or gives the appearance of being motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business, or other ties.
8. It will give the grantor agency or the Comptroller General through any authorized representative the access to and the right to examine all records, books, papers, or documents related to the grant.
9. It will comply with all requirements imposed by the Federal grantor agency concerning special requirements of law, program requirements, and other administrative requirements approved in accordance with Office of Management and Budget Circular No. A-102.

APPENDIX 2

PROGRAM NARRATIVE

The State of ----- currently intends to prepare and submit a plan supplement document amending its fiscal year 1975 comprehensive State plan, and a comprehensive State plan for fiscal year 1976 sufficient to qualify under the terms of the Juvenile Justice and Delinquency Prevention Act of 1975 for the award of formula grant funds.

In order to undertake the planning and administration tasks required to prepare and implement these comprehensive State plan segments, the State has need for the additional funds which LEAA has set aside to augment its capabilities to undertake these activities. These will be used for the specific activities set forth in attachment A and in the budget narrative.

The State of ----- understands that these funds are being made available for this year only, and that the planning and administration functions required under the Juvenile Justice and Delinquency Prevention Act must be supported henceforth from the State's regular formula grant award. The State further understands that no more than 15 percent of the formula grant award for any year may be used for these purposes, and further, that if formula grant funds are used for these purposes "needed funds for planning and administration shall be made available to local governments within the State on an equitable basis." The State's tentative plans with respect to maintaining the planning and administration activities undertaken under this grant in future years in which these additional constraints come into play is set forth in Attachment B.

The funds made available under this grant will be used exclusively for the purposes detailed in attachment A, which consists entirely of activities relating to the planning and administration of programs in the area of juvenile justice and delinquency prevention.

These funds will be expended in accordance with the Juvenile Justice and Delinquency Prevention Act of 1974, LEAA guidelines implementing that act, other applicable LEAA guidelines, and the fiscal year 1975 plan supplement document and fiscal year 1976 comprehensive State plan submitted by this State.

The State Planning Agency hereby assures that it will comply with and will insure compliance by its subgrantees and contractors with section 518--(c)(1) of the Crime Control Act of 1973 and title VI of the Civil Rights Act of 1964, and the regulations of the Department of Justice issued to implement title VI of the Civil Rights Act (28 CFR part 42, subpart C).

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION,
April 7, 1975.

GUIDELINE CHANGE

Subject: Guide for State Planning Agency grants.
Cancellation Date: After filing.

1. PURPOSE

The purpose of this change is to transmit planning grant application and comprehensive plan requirements for the Juvenile Justice and Delinquency Prevention Act of 1974. The requirements in these changes are only applicable to those State Planning Agencies which apply for funds under this act if and when there is an appropriation. The requirements in paragraph 21 are for the planning grant application. Those in paragraph 82 are for the comprehensive plan.

2. SCOPE

This change is of interest to all individuals who hold the State Planning Agency grant guidelines.

3. PAGE CHANGES

Page changes should be made in accordance with the chart below.

PAGE-CONTROL CHART

Remove page	Date	Insert page	Dated
		26-1 through 26-5 at page 26..... 131 through 131-14 at page 131.....	Apr. 7, 1975 Do.

21. *Special requirements for the Juvenile Justice and Delinquency Prevention Act of 1974.*—a. *Applicability.* The provisions of this paragraph apply only to those State Planning Agencies which are applying for funds under the Juvenile Justice and Delinquency Prevention Act of 1974 (hereafter referred to as the J. J. & D. P. Act). They do not apply to the comprehensive program for the improvement of juvenile justice developed pursuant to the Omnibus Crime Control and Safe Streets Act, as amended.

b. *Plan supervision and administration.* (1) *Act requirement.* According to section 223(a)(1) of the Juvenile Justice and Delinquency Prevention Act of 1974, the State plan must "designate the State Planning Agency established by the State under section 203 of such title I (i.e., Omnibus Crime Control and Safe Streets Act of 1968, as amended) as the sole agency for supervising the preparation and administration of the plan".

(2) *Application requirement.* The SPA should indicate the name, professional background, functions and responsibilities of the individual or individuals who are responsible for preparing and administering the juvenile justice component the preparation and administration of the plan".

(3) *Juvenile justice and delinquency prevention planning person.* In order to provide for the necessary supervision of the preparation and administration of the plan, it is recommended that there be at least one full-time juvenile justice and delinquency prevention planning person on the SPA. This person's sole responsibility should be in the juvenile justice area.

c. *Plan implementation.* (1) *Act requirement.* Section 223(a)(2) of the J. J. & D. P. Act requires the State plan "contain satisfactory evidence that the State agency designated in accordance with paragraph (1) (hereafter referred to in this part as the 'State Planning Agency') has or will have authority, by legislation if necessary, to implement such plan in conformity with this part;"

(2) *Application Requirement.* The SPA must specify how it has and will exercise its requisite authority to carry out the mandate of the Juvenile Justice and Delinquency Prevention Act.

(3) *Coordination of services.* This mandate requires a coordination of human services to youth and their families in order to insure effective delinquency prevention and treatment programs. This would include all offices within the State responsible for the delivery of human services such as education, welfare, health and other State offices which directly impact juvenile justice and delinquency prevention.

d. *Advisory group.* (1) *Act requirement.* Section 223(a)(3) of the J. J. & D. P. Act requires that the State plan provide for an advisory group appointed by the chief executive of the State to advise the State Planning Agency and its supervisory board (a) which shall consist of not less than 21 and not more than 33 persons who have training, experience, or special knowledge concerning the prevention and treatment of juvenile delinquency or the administration of juvenile justice, (b) which shall include representation of units of local government, law enforcement and juvenile justice agencies such as law enforcement, correction or probation personnel, and juvenile or family court judges, and public agencies concerned with delinquency prevention or treatment such as welfare, social services, mental health, education, or youth services departments, (c) which shall include representatives of private organizations concerned with delinquency prevention or treatment; concerned with neglected or dependent children; concerned with the quality of juvenile justice, education, or social services for children; which utilize

volunteers to work with delinquents or potential delinquents; community-based delinquency prevention or treatment programs; and organizations which represent employees affected by this act, (d) a majority of whose members (including the chairman) shall not be full-time employees of the Federal, State, or local government, and (e) at least one-third of whose members shall be under the age of 26 at the time of appointment."

(2) *Application requirement.* (a) The SPA must indicate how it has fulfilled the requirements of this section, through submitting a list of the appointees and a statement of how they meet the requirements for advisory group membership.

(b) The application must include a list of responsibilities, duties, functions and frequency of meetings of the advisory group. The role of the advisory group in reference to State plan development and project review must be explicated.

(c) The advisory group should make recommendations to the SPA director and the supervisory board with respect to planning, priorities, operations, and management of all juvenile justice and delinquency prevention programs within the State.

(d) The relationship of the advisory group to the supervisory board and the SPA must be explicated. Pursuant to section 223(b) the advisory group shall be consulted about the State plan prior to its approval.

e. *Consultation with local governments.* (1) *Act requirement.* Section 223(a)(4) of the J. J. & D. P. Act requires that the State plan "provide for the active consultation with and participation of local governments in the development of a State plan which adequately takes into account the needs and requests of local governments;"

(2) *Application requirement.* The application must indicate the frequency and quality of the consultation process specified in this subsection. Describe how local governments participate in the development of the State plan and how the State Planning Agency takes into account their needs and incorporates their requests.

f. *Participation of local governments.* (1) *Act requirement.* Section 223(a)(6) of the J. J. & D. P. Act requires that the State plan "provide that the chief executive officer of the local government shall assign responsibility for the preparation and administration of the local government's part of a State plan, or for the supervision of the preparation and administration of the local government's part of the State plan, to that agency within the local government's structure (hereafter in this part referred to as the 'local agency') which can most effectively carry out the purposes of this part and shall provide for supervision of the programs funded under this part by that local agency;"

(2) *Application requirements.* The application must: (a) Designate which unit or combination of units of local government within the State will participate for purposes of this section and how this determination was made.

(b) Designate the name and title of the chief executive officer of each of the units or combination of units of local government listed above.

(c) Designate the name of the agency within each unit or combination of units of government which the chief executive officer has designated also, explain its function and relationship to the local government.

(d) Explain in each case the reasons why that agency was determined to be able to most effectively carry out the purposes of this part.

(e) Explain how the chief executive officer of each unit or combination of units of local government shall provide for supervision of the programs funded by each local agency.

g. *Pass-through requirement.* (1) *Act requirement.* Section 223(a)(5) of the J. J. & D. P. Act requires that the State plan "provide that at least 66 2/3 percent of the funds received by the State under section 222 shall be expended through programs of local government insofar as they are consistent with the State plan except that this provision may be waived at the discretion of the administrator for any State if the services for delinquent or potentially delinquent youth are organized primarily on a statewide basis;"

(2) *Application requirement.* The application must provide assurance that at least 66 2/3 percent of the funds received by the State under section 222 shall be expended through programs of local government.

(3) *Inclusion of funds.* Formula grant funds made available to local governments for planning and administration purposes by the State Planning

Agency shall be included in calculating the amount of funds to be expended through programs of local government.

(4) *Waiver of pass-through requirements.* The Administrator is authorized to waive the pass-through requirement for any State, upon making a determination that the planning grant application adequately demonstrates that the State's services for delinquent or potentially delinquent youth are organized primarily on a statewide basis. Upon granting the waiver, the Administrator shall substitute a pass-through requirement representative of the proportion of services organized primarily on a statewide basis. In making the determination under this section the Administrator will examine the State's total program of juvenile justice and delinquency prevention including the entire range of available youth services. A request for waiver must be accompanied by a statement setting forth the following:

(a) The extent of implementation of juvenile delinquency programs at the State level and at the local level.

(b) The extent of financial responsibility for juvenile delinquency programs borne at the State level and at the local level.

(c) The extent to which services provided by the State or direct outlays by the State are made for or on behalf of local governments (as opposed to statewide services).

(d) The approval of the State Planning Agency supervisory board.

(e) Comments from local units of government.

h. *Nonsupplantation of State, local, and other non-Federal funds.* (a) *Act requirement.* Section 223(a)(19) of the J. J. & D. P. Act requires that the State plan "provide reasonable assurance that Federal funds made available under this part for any period will be so used as to supplement and increase (but not supplant), to the extent feasible and practical, the level of the State, local, and other non-Federal funds that would in the absence of such Federal funds be made available for the programs described in this part, and will in no event replace such State, local, and other non-Federal funds;"

(b) *Application requirement.* Provide such assurances as are necessary to comply with this provision. Identify and describe procedures used to insure that this nonsupplantation requirement is met.

82. *Special requirements for the Juvenile Justice and Delinquency Prevention Act of 1974.—a. Applicability.* The provisions of this paragraph apply only to those State planning agencies which have elected to apply for and accept funds under the Juvenile Justice and Delinquency Prevention Act of 1974. These provisions do not apply to the comprehensive program for the improvement of juvenile justice which the State planning agency must address in order to comply with the Omnibus Crime Control and Safe Streets Act requirements.

b. *Relationship to overall comprehensive plan.* Planning for the JJDP Act programs and expenditures shall follow the basic steps prescribed for the comprehensive law enforcement plan under the Omnibus Crime Control and Safe Streets Act, as set forth in chapter 3 of these guidelines, including a description and assessment of existing juvenile justice systems and available resources, the development of a multiyear plan, and the preparation of annual action programs and related plans, programs, and systems. Plans and action programs relating to juvenile justice and delinquency prevention may be integrated with all other portions of the comprehensive law enforcement plan, but must be sufficiently distinct so that they can be reviewed independently of other parts of the State plan. The remainder of this chapter sets forth additional items which must be included and additional standards which must be met for the State's comprehensive plan to qualify for funds under the JJDP Act. The State plan shall describe the way in which the special requirements which follow have been incorporated within the State's comprehensive law enforcement plan.

c. *Detailed study of needs.* (1) *Act requirements.* Section 223(a)(8) of the JJDP Act requires that the State plan "set forth a detailed study of the State needs for an effective, comprehensive, coordinated approach to juvenile delinquency prevention and treatment and the improvement of the juvenile justice system. This plan shall include itemized estimated costs for the development and implementation of such programs."

(2) *Plan requirements.* (a) *Definitions.* 1. *Juvenile.* The State plan must indicate the State's definition of juvenile.

2. *Delinquent.* The State plan must indicate the State's definition of delinquent, dependent, neglected, in need of supervision or other status which will subject youths to the jurisdiction of the juvenile or family court.

(b) *Scope of study.* The State plan must include a study of the State's juvenile justice system's handling of juvenile offenders, including a description of the structure and functions of units of the juvenile justice system (police, intake, detention, probation, and correctional institutions) and a description of the flow of youths through the system (on a calendar year basis). The descriptive flow should include a summary of the number and characteristics—age, sex, national origin, race—of youths—utilizing the State's definition of juveniles—within the State and a summary of the number and characteristics—offense, age, sex, national origin, race—of youths handled—including arrests and petitions—by each unit of the juvenile justice system within each calendar year, and dispositions made by each unit (including the number and characteristics of juveniles within each dispositional category).

1. The study should also include data addressing the effectiveness of the juvenile justice system, in terms of recidivism (arrests or return to the system) and other measures deemed relevant by the State.

2. The study must also address the nature of the delinquency problem within the State (in addition to arrests and petitions that would be indicated in police and court handling above). This analysis should at least include unemployment rates and school dropout, suspension and expulsion rates, and other causal or contributing conditions considered or determined to be relevant to delinquency prevention programming.

(c) *Description of existing programs.* The study must include a comprehensive description of existing programs for youth in the State. This description shall include both special programs in the juvenile justice system (in addition to the major units of the juvenile justice system under section E above) and outside of it. The description shall include all programs supported by Federal, State, local, and private funds. Indicate the source of funds and the dollar amount involved.

(d) States might wish to consider a 2-year effort for this study outlined in sections (b) and (c) above. The first year would be devoted to the comprehensive descriptions of programs within the juvenile justice system and providing whatever data are available called for under subparagraph (b). The review of programs outside the juvenile justice system, and the collection of data not currently available would be added in the second year. If this option is elected, the first year study must also state how the second year's study will be accomplished.

(e) *Statement of itemized estimated costs and prioritization of programs.* Programs contained in the multiyear plan and annual action programs must include itemized estimated costs for their development and implementation. These programs must also be prioritized in light of available and anticipated resources. Plans for reallocation of resources both from LEAA funds and other funds to meet the programmatic needs must be included. All necessary programs shall be identified even if there are insufficient resources from any source to implement them.

d. *Equitable distribution.* (1) *Act requirement.* Section 223(a)(7) of the JJDP Act requires that the State plan "provide for an equitable distribution of the assistance received under section 222 within the State."

(2) *Plan requirement.* The State plan must indicate how it has made the determination that the distribution of the assistance received under section 222 within the State is equitable.

e. *Participation of private agencies and utilization of existing programs.*

(1) *Act requirement.* Section 223(a)(9) of the JJDP Act requires that the State plan "provide for the active consultation with and participation of private agencies in the development and execution of the State plan; and provide for coordination and maximum utilization of existing juvenile delinquency programs and other related programs, such as education, health, and welfare within the State."

(2) *Plan requirements.* (a) *Consultation with and participation of private agencies.* 1. The State plan must indicate the frequency and quality of the consultation process specified in this subsection. Describe the methods used to gain input from private agencies about the development and execution of the State plan.

2. The relationship of this process of consultation to the advisory group and the supervisory board must be explained fully.

(b) *Coordination and utilization of existing programs.* The State plan must identify all State efforts related to delinquency prevention and rehabilitation whether Federal, State, locally or privately funded. The plan must demonstrate how the SPA plans to coordinate and maximally utilize these services.

f. *Advanced techniques.* (1) *Act requirements.* Section 223(a)(10) requires that the State plan "provide that not less than 75 per centum of the funds available to such State under section 222, whether expended directly by the State or by the local government or through contracts with public or private agencies, shall be used for advanced techniques in developing, maintaining, and expanding programs and services designed to prevent juvenile delinquency, to divert juveniles from the juvenile justice system, and to provide community-based alternatives to juvenile detention and correctional facilities. That advanced techniques include:

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

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

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

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

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

(f) Expanded use of probation and recruitment and training of probation officers, other professional and para-professional personnel, and volunteers to work effectively with youth;

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

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

1. Reduce the number of commitments of juveniles to any form of juvenile facility as a percentage of the State juvenile population;

2. Increase the use of nonsecure community based facilities as a percentage of total commitments to juvenile facilities; and

3. Discourage the use of secure incarceration and detention;

(2) *Plan requirements.* (a) The SPA must clearly demonstrate in its plan that at least 75 per centum of the Juvenile Justice and Delinquency Prevention Act funds shall be used for support of advanced techniques as enumerated in section 223(a)(10) a through h.

(b) The State may provide for advanced techniques other than those enumerated in 223(a)(10) a through h, provided that those other techniques are used for the purpose of developing and implementing effective methods of preventing and reducing juvenile delinquency; developing and conducting effective programs of diverting juveniles from the traditional juvenile justice system, and providing alternatives to institutionalization.

(c) If the State chooses to utilize advanced techniques other than those enumerated in section 223(a)(10) a through h, it must define what it considers to be advanced techniques, indicate why it has chosen these techniques, and why it considers them "advanced". It should also explain how it expects them to impact on its unique problems.

(d) The selection of advanced techniques shall be determined by each State's detailed study of needs required by section 223(a)(8). However recognition should be given to the requirements set forth in paragraph 82c.

(3) *Community based programs and services* are those which have among their characteristics local community participation in program planning and influence, upon management; have geographic, social and psychological accessibility; and build into their services provisions for retention of relationships between juveniles and "significant others".

(a) Key factors of community-based programs or services are the: 1. Frequency; 2. Duration; and 3. Quality of linkages between the community and the program or service, and linkages between the juvenile and the community.

(b) Generally, as frequency, duration and quality of these relationships increase, the program becomes more community-based. Another characteristic of a "community-based facility" is its nonsecure quality which allows for maximized linkages or relationships between the youths and the community, including the youths' families.

(4) *Youth in danger of becoming delinquent.* (a) This phrase refers specifically to behavior which is likely to result in youths being adjudicated "delinquent". "Youth in danger of becoming delinquent" should not be identified through: 1. Early detection by means of psychological testing and 2. Invasion of parental responsibility for supervision of children.

(b) The State should also avoid usage of labels such as "predelinquent" and "potential delinquent".

(5) *Education Programs or Supportive Services.* (a) Two examples of such programs are: 1. *Lay advocates* to represent students and parents in due process procedures that may be instituted when a student is suspended or expelled.

2. *Counseling groups* outside the school that can assist students in adjusting to a hostile school environment and can advise a student and his or her parents of their due process rights.

(b) It is also suggested that programs designed to prevent students from being pushed out of school be focused first on school districts having a disproportionate number of minority suspensions and expulsions, and, second, on school districts demonstrating abnormally high suspensions and expulsion rates for all students regardless of race.

g. *Research, Training and Evaluation Capacity.* (1) *Act requirement.* Section 223(a)(11) requires that the State plan "provide for the development of and adequate research, training, and evaluation capacity within the State;".

(2) *Plan requirements.* The State plan must provide for the development of an adequate research, training, and evaluation capacity within the State.

(a) "*An adequate research capacity*" is the capacity to gather and analyze the information required for the detailed study of needs specified in paragraph 82c. The plan must indicate the resources which the State will utilize to accomplish the detailed study of needs and, if they are not presently adequate to the task, the steps which will be taken to augment them. For the initial period of implementation of the JJDP Act, no State will be required to develop or demonstrate the capability to conduct a major program of basic or applied research beyond the detailed study of needs.

(b) "*An adequate training capacity*" is the capacity to meet the training needs identified through the State's juvenile justice planning process. The plan must indicate those needs identified which can best be met by training of existing or future juvenile justice and other youth service personnel, the resources which the State will utilize to meet these needs, and, if they are not presently adequate to the task, the steps which will be taken to augment them. This plan should take into account and make maximum use of the training programs provided by the National Institute for Juvenile Justice and Delinquency Prevention. Needs which cannot be met at the State level should be communicated to the NIJJDP for use in planning future programs.

(c) "*An adequate evaluation capacity*" is the capacity to carry out the requirements of paragraphs 20 and 85 of this Guideline Manual. The plan for those paragraphs must specify the applicability of each section to juvenile delinquency programming.

h. *Status Offenders.* (1) *Act Requirement.* Section 223(a)(12) of the JJDP Act requires that the State plan "provide within 2 years after submission of the plan that juveniles who are charged with or 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

(2) *Purpose.* Recognizing the differences between adult and juvenile offenders and offenses, this provision is intended to divert juvenile status offenders from the normal correctional processes, and to provide them with a meaningful opportunity for growth and development.

(3) *Status offenders* are juveniles who are charged with or have committed an offense which would not be an offense if committed by an adult.

(4) *Determination of status offenders.* For purposes of determining status offenders, the following classifications would apply: (a) *Post Adjudicative Dispositions* 1. A youth who commits a status offense and is institutionalized as a result of such offense is a status offender.

2. A youth who commits a series of status offenses and is institutionalized as a result of the multiple offenses is a status offender.

3. A youth who is made "a ward of the court" for neglect or dependency and is placed under custody of a child care agency, and then commits a status offense and is institutionalized as a result of a petition or affidavit of such agency which requested such institutionalization, is a status offender.

4. A youth who is made a "ward of the court" for neglect or dependency and is institutionalized as a result of such finding is a nonoffender.

5. A youth who is charged with a criminal-type offense, which is reduced to an adjudication of a status offense, and is institutionalized as a result of such finding, is a status offender.

6. A youth commits a status offense and is placed on probation. While on probation he commits a status offense, and is institutionalized, as a result of either the subsequent offense or the technical violation of probation. He is a status offender.

7. A youth commits a criminal-type offense, is placed on probation and is subsequently discharged. He now commits a status offense and is institutionalized as a result of such offense. He is a status offender.

8. A youth commits a status offense, is institutionalized and is subsequently placed on parole. While on parole he commits a status offense and is returned, either administratively or by court order. He is a status offender.

9. A youth commits a status offense, is institutionalized and is subsequently placed on parole (aftercare). While on parole, he commits a criminal-type offense and is returned administratively. He is a status offender.

10. A youth commits a criminal-type offense and is institutionalized as a result of such offense. He is a criminal-type offender.

11. A youth commits a criminal-type offense and a status offense, and is institutionalized as a result of both offenses. He is a criminal-type offender.

12. A youth commits a criminal-type offense and is placed on probation. While on probation he commits a status offense and is institutionalized as a result of the violation of his rules of probation. He is a criminal-type offender.

13. A youth commits a criminal-type offense, is given a suspended institutional commitment and is placed on probation. While on probation, he commits a status offense and is institutionalized. He is a criminal-type offender.

14. A youth commits a status offense, is institutionalized, and is subsequently placed on parole (aftercare). While on parole, he commits a criminal-type offense and is returned by court order. He is a criminal-type offender.

15. A youth commits a criminal-type offense, is institutionalized and is subsequently placed on parole (aftercare). While on parole, he commits a status offense and is returned, either administratively or by court order. He is a criminal-type offender.

16. A youth commits a criminal-type offense, is institutionalized and is subsequently placed on parole (aftercare). While on parole he commits a criminal-type offense and is returned, either administratively or by court order. He is a criminal-type offender.

(b) *Detention* 1. A youth who is arrested, placed in detention, and charged with a status offense is a status-offender.

2. A youth who is placed in detention and charged with dependency or neglect is a non-offender.

3. A youth who is found in detention without being charged with anything is a non-offender.

4. A youth who is arrested, placed in detention and charged with a criminal-type offense is a criminal-type offender.

(5) *Implementation.* The requirements of this section are to be planned and implemented by a State within 2 years from the date its plan is sub-

mitted, so that all juvenile status offenders will be placed in shelter facilities, group homes or other community based alternatives as identified in 223(a) (10) (A) rather than juvenile detention or correctional facilities by the end of that two year period.

(6) *Plan requirement.* (a) Describe in detail the State's specific plan, procedure, and timetable assuring that within 2 years of submission of its plan juvenile status offenders, if placed outside the home, will be placed in shelter facilities rather than juvenile detention or correctional facilities. Include a specific description of all existing and proposed shelter and correctional facilities.

(b) Describe the constraints the State will face in meeting the objectives of this section.

(7) *Shelter facilities for status offenders* may be defined as a temporary or emergency care facility in a physically nonrestrictive environment. They are used as a temporary living facility for the purpose of arranging a longer range plan for the juvenile. The period of shelter care should be sufficiently long to develop a suitable plan for the juvenile and should not extend beyond that point (preferably within 30 days).

1. *Contact with incarcerated adults.* (1) *Act requirement.* Section 223(a) (13) of the JJDP Act requires that the State Plan "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.

(2) *Purpose.* This provision is intended to assure that juveniles alleged to be found to be delinquent shall be kept separate and apart from incarcerated adults so as to eliminate, insofar as possible, contact of such juveniles with incarcerated adults.

(3) *Implementation.* The requirement of this provision is to be planned and implemented immediately by each state in light of the constraints on immediate implementation described below.

(4) *Regular contact.* The State plan must 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. This prohibition against "regular contact" permits no more than haphazard or accidental contact between juveniles and incarcerated adults so as to effect as absolute a separation as possible. For example, separate living, dining, recreational, vocational, educational and transportation facilities must be provided or the time period for utilization of these facilities formally arranged in order to avoid contact between adults and juveniles.

(5) *Plan requirement.* (a) Describe in detail the State's specific plan, procedure and timetable for assuring that juveniles will not be detained or confined in any institution in which they have regular contact with incarcerated adults.

(b) For those institutions in which juveniles and incarcerated adults will continue to be confined, set forth in detail the procedures for assuring no regular contact between such juveniles and adults.

(c) Describe the constraints, including physical, judicial, fiscal, and legislative which preclude the immediate separation of juveniles from incarcerated adults in any particular institution where juveniles are detained or confined.

(d) The State must insure that juveniles are not reclassified as adults in order to avoid the intent of segregating adults and juveniles in correctional facilities.

j. *Monitoring of jails, detention facilities and correctional facilities.* (1) *Act requirement.* Section 223(a) (14) requires that the State plan "Provide for an adequate system of monitoring jails, detention facilities, and correctional facilities to insure that the requirements of section 223(12) and (13) are met, and for annual reporting of the results of such monitoring to the administrator."

(2) *Plan requirements.* (a) The State plan must indicate how the State plans to provide for accurate and complete monitoring of jails, detention facilities, correctional facilities, and other secure facilities to insure that the requirements of sections 223(12) and (13) are met.

(b) For purposes of paragraph 82h, above, the monitoring must include a survey of all detention and correctional facilities including the number of juveniles placed therein during the report period, the specific offense charged or committed, and the disposition, if any, made for each category of offense.

(c) For purposes of paragraph 82i, above, the monitoring must include a survey of all institutions in which juveniles may be detained or confined with incarcerated adults, including a detailed description of the steps taken to eliminate regular contact between juveniles and incarcerated adults.

(d) The State plan must provide for annual on-site inspection of jails, detention and correctional facilities.

(e) Describe the State plan for relating the monitoring data to the goals, objectives, and timetables for the implementation of paragraphs 82h and i as set forth in the State plan, in the annual report to the administrator.

(3) *Reporting requirement.* The State Planning Agency shall make an annual report to the LEAA Administrator on the results of monitoring for both sections 223(12) and (13). The first report shall be made no later than December 31, 1976. It, and subsequent reports, must indicate the results of monitoring with regard to the provisions of sections 223(12) and (13), including:

(a) Violations of these provisions and steps taken to ensure compliance, if any.

(b) Procedures established for investigation of complaints of violation of the provisions of (12) and (13).

(c) The manner in which data were obtained.

(d) The plan implemented to ensure compliance with (12) and (13), and its results.

(e) An overall summary.

k. *Equitable Assistance to all Disadvantaged Youth.* (1) *Act requirement.* Section 223(a) (15) requires that the State plan "Provide assurance that assistance will be available on an equitable basis to deal with all disadvantaged youth including, but not limited to, females, minority youth and mentally retarded and emotionally or physically handicapped youth.

(2) *Plan requirement.* The State plan must demonstrate a determined effort to assure that the needs of disadvantaged youth have been analyzed and considered and that such youth will receive an equitable share of the assistance to be provided out of Federal funds granted for juvenile delinquency programs and projects. The plan should include a review of other Federal, State, local and private programs affecting these youths.

1. *Right of privacy for recipients of services.* (1) *Act requirement.* Section 223(a) (16) requires that the State plan "Provide for procedures to be established for protecting the rights of recipients of services and for assuring appropriate privacy with regard to records relating to such services provided to any individual under the State plan;"

(2) *Plan requirement.* (a) The State plan must describe the State's methods or procedures for protecting the rights of recipients of services and for assuring appropriate privacy of records, including access and use of records and safeguards.

(b) The State plan must describe any State laws and regulations pertaining to this requirement.

m. *Equitable arrangements for employees affected by assistance under this Act.* (Reserved).

n. *Analysis and Evaluation.* (1) *Act requirement.* Section 223(a) (20) requires that "The State planning agency will from time to time, but not less often than annually, review its plan and submit to the administrator an analysis and evaluation of the effectiveness of the programs and activities carried out under the plan, and any modifications in the plan, including the survey of State and local needs, which it considers necessary;"

(2) *Plan requirement.* After the first year of funding under the JJDP Act, the State planning agency must analyze and evaluate the effectiveness of the programs and activities carried out under the plan. The results of this analysis and evaluation should serve as an integral part of the planning process for the next year's comprehensive plan. The evaluation methodology should be the same as that employed in evaluating the effectiveness of programs and activities carried out pursuant to the Safe Streets Act.

o. *Other Terms and Conditions.* (1) *Act requirement.* Section 223(a)(21) requires that the State Plan "Contain such other terms and conditions as the administrator may reasonably prescribe to assure the effectiveness of the programs assisted under this title."

(2) *Plan requirement.* In order to assure the effectiveness of the information clearinghouse and evaluation functions mandated for the National Institute for Juvenile Justice and Delinquency Prevention, the State plan shall contain an assurance that the State planning agency will provide such information at such times as the national institute for juvenile justice and delinquency prevention shall reasonably deem necessary to the effective accomplishment of its tasks, including, but not limited to, information concerning rates of delinquency, caseloads and performance of juvenile justice system agencies, delinquency prevention and treatment programs and plans, availability of resources, training and educational programs, and other pertinent statistics and data.

FROM RICHARD C. WERTZ

NATIONAL CONFERENCE OF STATE CRIMINAL
JUSTICE PLANNING ADMINISTRATORS,
Washington, D.C., March 11, 1975.

Hon. JOHN M. SLACK, JR.,
Chairman, Subcommittee on State, Justice, Commerce, and the Judiciary,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN SLACK: I am taking this opportunity on behalf of the National Conference of State Criminal Justice Planning Administrators to provide you with information for consideration by your Subcommittee on State, Justice, Commerce, and the Judiciary regarding the fiscal year 1976 budget recommendations of the Law Enforcement Assistance Administration (LEAA).

The national conference represents the directors of the 55 State criminal justice planning agencies (SPAs) which operate in the States and territories under the Crime Control Act of 1973. The States, through planning and block grants, receive approximately 67 percent of all LEAA funds appropriated by Congress. These funds are used to support planning and action programs in the States designed to reduce crime and improve the administration of criminal justice. For these reasons, the national conference has a vital interest in matters relating to LEAA funding levels.

As State administrators, we are concerned that the 13.7 percent reduction in action funds proposed in the LEAA budget will have serious implications for State criminal justice programs.

During fiscal years 1973, 1974, and 1975, LEAA appropriations remained at relatively constant levels near \$850 million, of which approximately \$536 million was made available to the states in the form of block action grants; however, the cost of living alone—which has risen 22 percent since the start of fiscal year 1973, according to U.S. Department of Labor Statistics—has created substantial problems for states in maintaining a constant level of services in many currently funded projects.

Simply put, project costs are rising roughly in proportion to the cost of living and SPA's are at the present time finding it difficult to keep pace without offsetting increases in funds. This has resulted in a loss of the momentum which characterized criminal justice reform during the late sixties and early seventies. A decrease for fiscal year 1976 would be devastating.

New programing would also be adversely affected by such a budget cut. In fact, a number of states would be forced to sharply limit or possibly even bring to a halt new program development if available funds are cut and commitments to currently funded projects are maintained. We believe that a basic strength of the Crime Control Act program is the availability of funds for new programing approaches to criminal justice problems and respectfully submit that a cutback would hinder the operation of the Crime Control Act program as envisioned by Congress. In addition, this reduction in new programs could result in an estimated 2,500 fewer jobs in the criminal justice system, a serious implication especially in these economically troubled times.

An area of particular concern to the SPA's is that of juvenile delinquency, where crime rates have been increasing dramatically and far out of proportion to rates of crimes committed by adults. Not only is the volume of juvenile crime increasing, but also the severity of the crimes being committed by juvenile offenders.

Recognizing the scope of this problem, Congress passed in August the Juvenile Justice and Delinquency Prevention Act of 1974. The act is designed to provide additional Federal funding assistance to the States for juvenile programming. It has been looked upon by the SPAs as an important new resource for dealing with juvenile crime.

In spite of the fact that it was signed into law by the President and authorized by Congress at a funding level of \$125 million for fiscal year 1976, no appropriations are being sought by the administration for its implementation. We feel that funds should be made available immediately under the act.

Furthermore, the Juvenile Justice and Delinquency Prevention Act of 1974 is evidence, we feel, of the concern of Congress about juvenile delinquency. The fact that no funds are being sought by the administration under the act does not minimize the severity of the juvenile delinquency problem, but instead places an additional burden on the SPA's to channel funds from severely strained budgets into more juvenile programs. Unfortunately, however, a reduction in Crime Control Act funds for fiscal year 1976 would make this impossible.

It is particularly regrettable that budget reductions should be recommended during the current period of economic slowdown. Hard times have historically placed additional burdens on our criminal justice institutions, and now is not the time to reduce the criminal justice system's ability to respond.

The National Conference feels that priorities must be set and that funding levels for more important program areas must be maintained. Criminal justice is one such area. We respectfully urge you and the members of your subcommittee to carefully examine the level of need existing in the States and to, at a minimum, restore the LEAA budget for parts C and D (action programs) to fiscal year 1975 levels. We further believe that additional resources should be made available under the Crime Control Act program to allow for continued expansion of programming rather than basic program maintenance, and urge your consideration of funding at the Congressionally authorized level of \$125 million for fiscal year 1976.

I respectfully request that these remarks be entered into the formal record of your subcommittee hearings on the LEAA fiscal year 1976 budget, and stand ready to answer any questions you may have.

Sincerely,

RICHARD C. WERTZ,
Chairman.

[From the Crime Control Digest, March 17, 1975]

SPA DIRECTOR DEPLORES ADMINISTRATION BUDGET CUTS PROPOSED FOR FY 1976

Administration proposals to cut the LEAA budget for fiscal year 1976 could mean the loss of an estimated 2,500 jobs in the criminal justice system according to Richard C. Wertz, Chairman of the National Conference of State Criminal Justice Planning Administrators.

Wertz, appearing on a panel before the National League of Cities and U.S. Conference of Mayors in Washington, said that a proposed 13.7 percent cut-back in action funds available to the States would result in substantially fewer new programs and an estimated 2,500 fewer new criminal justice jobs.

He said such a situation is particularly serious during the current economic slowdown, especially in view of the fact that "hard times have historically put additional burdens on our criminal justice institutions."

Terming the budget proposal a "major setback for criminal justice reform efforts," Wertz called on the cities to work with the National Conference in demonstrating the need for the Crime Control Act to be funded at its congressionally authorized level of \$125 million for fiscal year 1976.

Wertz also pointed to the need for funding of the Juvenile Justice and Delinquency Prevention Act of 1974, which was signed by the President last September, but for which no fiscal year 1976 appropriation has been sought. The act was authorized at \$125 million for fiscal year 1976.

"This situation is intolerable," Wertz said. "Without funding for this Act, the cities and States cannot effectively meet the serious challenges posed by the growing juvenile delinquency problem."

Wertz also discussed the position of the National Conference regarding continuation of the Crime Control Act. He said the States have endorsed the legislation's continuation beyond 1976 and favor only minor changes in its provisions.

The recommended changes are: an increase in part B planning funds to enable the expansion of evaluation efforts, the elimination of the one-third limitation for the compensation of police or other criminal justice and law enforcement personnel, and an amendment to allow for greater flexibility in development and upgrading of comprehensive plans.

NATIONAL CONFERENCE OF STATE CRIMINAL
JUSTICE PLANNING ADMINISTRATORS,
Washington, D.C., July 8, 1975.

HON. BIRCH BAYH,
U.S. Senate,
Russell Senate Office Building,
Washington, D.C.
Attention: Mr. John Rector.

DEAR SENATOR BAYH: Pursuant to the suggestion of staff of the Senate Appropriations Subcommittee on State, Justice, Commerce and the Judiciary and for your information, I am transmitting to you the attached information sheet which sets forth the National Conference's best ideas on the implications of alternative funding patterns for the Law Enforcement Assistance Administration (LEAA) under H.R. 8121.

In summary, the National Conference considers it critical that LEAA continue to be funded at the level of \$880.6 million for implementation of the Crime Control Act of 1973 and be funded at the level of \$75.0 million for implementation of the Juvenile Justice and Delinquency Prevention Act of 1974. Funding for the fifth quarter transition budget should be at the level of one fourth of the 1976 12 month budget. It is the opinion of the National Conference that funding of LEAA at the level recommended in H.R. 8121 as passed by the House of Representatives will result in severe constriction of the present State and local criminal justice system improvement and crime reduction programs.

I would be pleased to provide any further information you may require.

Sincerely,

RICHARD B. GELTMAN,
General Counsel.

[Enclosure.]

H.R. 8121—IMPLICATIONS OF VARIOUS LEVELS OF FISCAL YEAR 1976 APPROPRIATIONS TO THE LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

I. BACKGROUND

The National Conference of State Criminal Justice Planning Administrators represents the directors of the 55 state criminal justice planning agencies (SPAs) which operate in the States and territories under the Crime Control Act of 1973 and the Juvenile Justice and Delinquency Prevention Act of 1974. The States, through planning and block grants, receive approximately 67 percent of all Law Enforcement Assistance Administration (LEAA) funds appropriated by Congress. These funds are used to support planning and action programs in the States designed to reduce crime and improve the administration of criminal justice. Because the SPAs are the chief planners, recipients, and administrators of these funds, the National Conference is vitally interested in matters relating to LEAA funding levels and ideally suited for assessing the impact of possible reductions, maintenance or increases in those levels.

After 5 years of rapidly escalating levels of appropriations to LEAA, LEAA appropriations leveled off at about \$880 million for fiscal years 1974 and 1975. This leveling off of funds created severe problems for the States. First, the State and local criminal justice agencies had made their plans based on an expectation that they would receive an increased level of funding in line with the increased appropriations that had occurred in the earlier years of

the program. Second, these agencies had to compete for the available funds due to increasing demands for the resources. And third, the agencies had to absorb skyrocketing cost-of-living increases without additional compensation. In spite of the problems, the SPAs and the State and local criminal justice agencies made the difficult decisions required. They evaluated the merits of the existing and proposed programs, terminated some programs, continued and expanded others, and began a limited number of new ones. The reevaluation process concluded with most agencies cutting back significantly in their ratios of spending, reducing drastically the kinds of new programs to be initiated even though several years of foundation laying had been completed, and economizing wherever possible. The process resulted in State and local agencies cutting back their programs to the bare-bones.

II. LEAA APPROPRIATIONS REQUEST

For fiscal year 1976 the Administration made a \$769.8 million appropriation request, almost an \$110.8 million and 12.6 percent reduction from the \$880.6 million fiscal year 1975 appropriation. The Administration requested only \$462.4 million for State block grants, almost a \$74.1 million and a 13.8 percent reduction from the \$536.5 million fiscal year 1975 appropriation. The Administration slashed the Law Enforcement Education Program budget from \$40.0 million in fiscal year 1975 to \$22.1 million in fiscal year 1976, and requested no appropriations for the implementation of the Juvenile Justice and Delinquency Prevention Act of 1974.

The States had an extremely difficult time making the adjustment to the leveling-off of funds which occurred in fiscal year 1974 and fiscal year 1975. In addition to cutting back on old and new programming as a result of the slow down in funding, the States had to absorb a 22 percent increase in the cost-of-living index between the start of fiscal year 1973 and February of 1975. To reduce the block grant programs by an additional 13.8 percent and to absorb the reduction in purchasing power reflected in a cost of living which has increased at the rate of 8.4 percent between June 1974 and May 1975, the States will have to abandon the idea of impacting a serious crime rate which increased 17 percent in 1974 according to the FBI's uniform crime report.

The Administration budget would terminate or substantially reduce the training and education of large numbers of criminal justice personnel just as LEAA has improved the processing of Law Enforcement Education Program (LEEP) funds according to the General Accounting Office. The Administration's budget would prevent the States from implementing the Juvenile Justice and Delinquency Prevention Act of 1974 which the Congress authorized at the level of \$125 million for fiscal year 1976.

In addition to impacting the program as set forth above, the Administration's budget would make it difficult, if not impossible, to begin to address new substantive areas in which Congress, the President, and the public have shown an interest. The Senate Subcommittee To Investigate Juvenile Delinquency has found that resources should be committed to juvenile delinquency prevention, violence in the public schools and vandalism; the President has indicated in his latest crime message to Congress that he would like to see programs designed to assist the victim of crime; the State judiciary has emphatically stated that insufficient funds have gone to the courts; and congressmen have indicated that more money should be focused on protecting the elderly. None of these new initiatives can be begun under the Administration's proposed budget.

III. H.R. 8121 AS PASSED BY THE HOUSE OF REPRESENTATIVES

The House passed H.R. 8121 at the appropriations level requested by the Administration, \$769.8 million less \$146,000. In addition to concurring with this substantially reduced budget request, the House required that \$40 million be made available for LEEP (the Administration had requested \$22.1 million) and \$40 million be available for implementation of the Juvenile Justice and Delinquency Prevention Act of 1974 (the Administration had requested \$0) without an additional appropriated amount, leaving it to LEAA to determine from where in its originally proposed budget it would take the money. If

the House passed version of H.R. 8121 were enacted, LEAA would have to find \$57.9 million in other parts of its budget request. Consequently, LEAA would have to reduce even further the Part C and E block grant funds available to the states to fight crime. As a result of these cutbacks, one could expect devastation of State and local programming.

This is not to say that the National Conference is opposed to increases in LEEP funding or funding for the Juvenile Justice Act. Quite the contrary is the case. The National Conference is strongly on record in support of funding for both budget categories. In fact the conference was recorded in favor of fiscal year 1975 Supplementary Appropriations funds for implementation of the Juvenile Justice Act, made every attempt to obtain OMB's release of the appropriated funds to LEAA, and has been recorded in favor of fiscal year 1976 funds. However, the National Conference believes that the SPAs cannot do the job required by the Crime Control Act if funds for the Juvenile Justice Act come from that source, and the SPAs cannot do the job required by the Juvenile Act with only a \$40 million appropriation. A \$40 million appropriation means an average of only \$400,000 a State. This is an inadequate amount of money for States to be able to segregate incarcerated juvenile from adults immediately and deinstitutionalize juvenile status offenders within the statutorily required 2 years. The National Conference considers that the minimum requirement for ensuring participation of most of the States in the Juvenile Justice Act program is \$75 million for fiscal year 1976.

IV. PROPOSED BUDGET FOR LEAA THAT WOULD PERMIT STATES TO CONTINUE TO OPERATE WITHOUT A MAJOR CUTBACK IN PROGRAMMING

If the LEAA were funded for fiscal year 1976 at the same level of funding as fiscal year 1975, most of the programming at the State and local level could continue with a minimum of hardship. The continuing cost-of-living inflationary factor and the desire to initiate new programs guarantees that the States must make extremely difficult funding decisions, choosing among a large number of priority programs. In addition to an LEAA appropriation of \$880.6 million for the Crime Control Act, the National Conference recommends an LEAA appropriation of \$75.0 million for the Juvenile Justice Act.

The National Conference's proposed budget appears below in relation to the LEAA fiscal year 1975 appropriation and the LEAA fiscal year 1976 request.

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION APPROPRIATIONS

[in millions of dollars]

	National Conference fiscal year 1976 proposal	LEAA fiscal year 1975 appropriations	LEAA fiscal year 1976 request
Block grants.....	480.0	480.0	413.7
Discretionary grants.....	84.0	84.0	73.0
Planning (part B).....	60.0	55.0	60.0
Correctional (part E).....	113.0	113.0	97.4
Technical assistance.....	14.0	14.0	14.0
Research evaluation and technology (National Institute).....	35.4	42.5	35.4
Manpower development (including LEEP).....	44.5	44.5	26.6
Data systems and statistical assistance.....	26.6	26.0	26.6
Management and operations.....	23.1	21.6	23.1
Total.....	880.6	880.6	769.8
Juvenile Justice Act.....	75.0	0	0
Grant total.....	955.6	880.6	769.8

¹ \$25 million was appropriated by the Second Supplementary Appropriations Act of 1975. Although the President signed the act on June 12, 1975, OMB did not release this money until July 1, 1975, some seventeen (17) days after it had the request from the Justice Department to release the funds. All other supplementary funds were released before the Juvenile Justice Act funds were released.

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PART 2—ADDITIONAL STATEMENTS

PREPARED STATEMENT OF DR. RHETTA ARTER

DIRECTOR, INTERVENTION PROGRAMS

NATIONAL BOARD OF THE YOUNG WOMEN'S CHRISTIAN ASSOCIATION

The National Board of the Young Women's Christian Association of the U.S.A. wishes to take this opportunity to endorse the efforts of the Subcommittee To Investigate Juvenile Delinquency to spark congressional action for appropriations to fund implementation of the Juvenile Justice and Delinquency Prevention Act of 1974. Our previous statements regarding the need for this legislation still stand; in fact they have been reenforced by our experience in work with female youth who have come into conflict with the law since we testified before the subcommittee on June 28, 1972.

We are saddened to report that we have encountered—within different State justice systems—numbers of female youths whom we believe we might have helped to divert from their endangered situations and their consequent involvement in antisocial behavior, if the resources which this legislative landmark sought to provide and which it designated as necessary had been made available at the time of its enactment.

The statements which we offer now are built on our operating experience in programs in which very limited governmental resources are being made available to work with girls who are not caught up in these systems. We know that we must refrain from speculations about how many of them we could have deterred in their delinquency courses if we had been able to assemble the funding which is essential to mounting of programs for this purpose. At this time, we speak to the point of our current experience and the insights we are deriving from our work with young females who are caught up in the justice system. For this purpose we draw most heavily from work which the National Board YWCA is carrying on in the six New England States, with funding through Region I of the Law Enforcement Assistance Administration. The funding of this New England YWCA Intervention Program has made it possible for the National Board YWCA to work to a limited extent with the justice systems in each of the six New England States as well as with YWCAs serving localities in all of those States to provide community-based programs for young women and girls.

The project is coming to the close of its first year, in the course of which we have been able to serve 241 young female offenders, 83 percent of whom have been juveniles. You will want to know that the funding which has come through the Omnibus Crime Control and Safe Streets Act of 1968 has made it possible for the YWCA to work with young women and girls who: have had a first brush with the law; are in pending hearing status; are on probation; are in correctional institutions; are taking part in early-release programs; are in after care status; or are in other stages of pre- or post-conviction status.

The program has provided residential and nonresidential resources. It has been possible for these YWCAs in the served New England communities to work closely with juvenile and other justice agencies to provide alternatives to detention and other institutional experiences. The project staff and other YWCA personnel—volunteers as well as those who are employed—are providing counseling and a range and variety of group and individual support services. These YWCAs work with young offenders in the YWCAs, in their own homes, in correction institutions while they are preparing for release, and in any other locations where they may be found. In some cases the girls come to the programs; in others the services are taken to the girls—this is especially true of work with families.

The YWCA is proud of what it has been able to do to date. Of the 200 juveniles who have taken part in this program only 3 percent are known to have been caught up in repeat offenses—it is our hope to bring that proportion to zero. But we are not happy about the fact that in this project we are using an approximate 30 percent of our facilities; that the number of New England YWCAs waiting eagerly to enter this network outnumber in a ratio to 2 to 1 those who are now active. This limitation is the function of funding, i.e., the unavailability of money to put into this system. With adequate funding the YWCA could include the rest of the New England YWCAs in a pervasive system that would spread across the New England States. We could triple the numbers served. Of course, we have to move away from our disciplined stance to say that—if the funding included provision for prevention services—we could reduce, significantly, the number of those who reach the system: Remember that all of those who come to us now are, *must be*, referred by agencies of the justice systems because we are restricted to "corrections" only under the Part E money allocated by the New England program's grant.

There are many ways to look at this experience. Through this and other YWCA-sponsored programs serving young female offenders, we have become aware of several critical problems and limitations:

1. Under the present restrictions—we really are not able to carry out diversion programs in the sense that we believe that term to be meaningful. We know that diversion after contact with the system may be better than no diversion at all; but to the YWCA, meaningful diversion is that which helps to turn youth away from endangerment and the delinquent lifestyles which ensue. We believe that members of the Subcommittee To Investigate Juvenile Delinquency will be interested to know that many of the Juvenile Court Judges, Probation Officers, and other justice system staff ask us repeatedly to try to find resources for work with girls brought before them, whom they would like to refer to a community-based resource without sending them through the system or even "giving them a record"; but that the present requirements are such that we can enroll girls in these intervention programs only if they are referred officially by these systems. Of course, ineligible girls may be and are referred to "regular" YWCA programs, but we have to say that many of them need the specialized attention which is possible in the intervention services only; that they need intensive specialized help before they can move—without support—into the group and other activities which are made available to the community at large. Perhaps we should include here the fact that girls who are entered in the intervention programs *do* take part in YWCA activities with other girls—without stigmatization or segregation. The point is that they are referred to intensive service in addition—it is these needs which the government funds meet. At the present time, New England—Region I of the LEAA—is the only part of the United States in which the National Board YWCA and its affiliated associations have been successful in initiating a network of this kind. While this established, interested, concerned, experienced resources is partially used in these six States, its potential for the rest of the country stands as really untapped. If services of this nature were to be made available in the other nine LEAA regions, we believe that the country would feel the impact. If those services included prevention, we are unafraid to claim that their effects would be shown in reductions of the horrendous figures which we now face, i.e., that:

The rise in delinquency [arrests] among females under 18 years of age was 264 percent between 1960 and 1973;

Arrests for violent crimes by girls in this age group rose over 393 percent;

Arrests for property crimes [burglary, larceny and auto theft] increased about 334 percent for girls in this age group; and

Arrests of girls in this age group for violations of narcotic drug laws increased by 6,045 percent!¹

We have reason to believe that the cooperation is available in other parts of the country: that if significant funding for this purpose were made available, the National Board YWCA and its affiliates could move from demonstration status in one Federal Region to fully operation status in all 10.

¹ Based on the 1973 FBI Uniform Crime Reports for the United States, p. 126.

2. If funds were available under the provisions of the Juvenile Justice and Delinquency Prevention Act of 1974, the YWCA and comparable voluntary private agencies would be eligible for direct funding. They would be permitted the status of prime grantee. In addition to the positive effects this would have on the agencies' psychological posture, this would make them eligible for Letters of Credit through which they could receive operational advances rather than be required to spend their own funds and wait for reimbursement through a grantee public agency. This is one of the most serious impediments to the participation of voluntary, nonprofit organizations in these programs: Often the cash-flow requirements press them either to draw upon their limited capital funds—depriving them of much-needed interest income—or to borrow money for which the Government will not permit payment of interest. What is perhaps worse is the reality that many of these organizations simply cannot sustain the fiscal strain of utilizing their limited operating funds while waiting—sometimes from 6 weeks to 2 months—for reimbursement. Added to this is the "10 percent" hold back practice of many of the public "pass through" agencies: this means that reimbursement is made only for 90 percent of the outlay pending project completion and audit. This, too, would be alleviated by direct funding. This leads to the observation that some of the public agencies—though not all of them—charge the subgrantee private agencies an administrative cost for processing the project funds. While the National Board YWCA has been fortunate in its experience with "pass through" public agencies, the program of some local YWCAs and other organizations has been penalized by these administrative deductions.

Under the most favorable circumstances, the "pass through" process imposes costs either to the public agencies or to the operating programs that cut into the funds so essential to delivery of services. Directly or indirectly, each administrative layer demands additional investment in procedures.

3. A further problem has been encountered in the time limitation on funding. It is difficult to report, with authority, just where these have originated. We only know that some communities are unwilling to accept the introduction of LEAA-funded intervention programs into their jurisdictions because:

- a. They know that the funding will be reduced from 90 percent to 75 percent in the second year; and

- b. That funding may disappear entirely at the end of the second year; and

- c. That they—the communities—are expected to make commitments for funding the programs after that time.

In these days when the very communities which need the intervention of experienced agencies in the delinquency hazards and cycles of its youth are forced to cut the services which they now provide, it seems clear that—regardless of interest, desire, or intent—they cannot make such a commitment. In some New England communities the National Board YWCA sponsored program has been stopped for these reasons. There must be a way to deal with this reality: We feel fortunate that it has not been encountered everywhere; we wish it were nonexistent.

4. This relates to another problem which we have laid before this subcommittee on previous appearances, that is, the whole problem of refunding. There seems to be no end to the time, the procedures, the unidentified—sometimes incomprehensible—factors that make refunding a nightmarish experience. To organizations that have evolved programs, established credibility, and developed a referral flow of youth who need the services and who give every evidence of responding positively to them, refunding looms as an all-mighty barrier. Periods of curtailment, uncertainty, cutbacks to "stretch" the existing funds through date "extensions" and any other means, all of these come together to render the seasoned operator somewhat fearful of entering into what is really a moral commitment to the youth, their families, and their communities when they know that they are powerless to assure them of a continuing operation for a reasonable period. We believe "reasonable" here to refer to a minimum of 5 years: It takes that long to imbue a program of this kind into the social fabric of a community and to permit that community to develop the resources needed to take it over when the special funding is no longer available. There has to be a better way than those which now exist.

5. The YWCA of the U.S.A. is cooperating with, interested in, but concerned about the present concentration of juvenile justice funding on status offenders. This would be desirable if it did not exclude funding for services to other youths—in other categories—as does the present funding bind. We believe this to be a development which was not designed into the Juvenile Justice and Delinquency Prevention Act of 1974, even though it derives from one of its provisions. We regard this as an unfortunate but direct product of the inadequate funding of that legislation, one which we hope to be susceptible of remediation in the very near future. This leads to our expression of concern about a related development which has grown out of the extreme limitation upon funding at this time together with a complementary pressure imposed by the legislation itself: This refers to the current "competition" for the deinstitutionalization of status offender projects. This "competition," which represents an effort to recognize the priority of the Section 223 requirement that the States, to qualify for funding, "provide within 2 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." We have first-hand knowledge of a number of submissions, some of which represent creative approaches to the desired target of deinstitutionalization. We know that it will be impossible—with the present funding limitations for this effort [\$8.5 million] for LEAA to make awards to a significant number of these applicants. This heightens our concern that sufficient funds be made available to permit fair and equitable responses by LEAA on the basis of the merit of proposals with freedom from the proscriptions which are dictated solely by the present funding limitations. In this context, we are sure by now that the attention of the subcommittee has been called to the fiscal unreality of the "2 year" clause itself as it mandates State eligibility based on a commitment for alternative facilities and services which would call for outlays of millions of dollars. May we add our recommendation to the many others that doubtlessly are being presented for reconsideration of this unrealistic requirement on fiscal as well as other grounds. We must emphasize, however, our hope that allocations for deinstitutionalization of status offenders be in *addition* to those for other, equally important programs and services authorized by this act.

We cannot close without reference to the splendid cooperation we have received in relation to the New England YWCA Intervention Program through Region I of the Law Enforcement Assistance Administration, the Juvenile Justice and Delinquency Prevention Operations Task Group and the Corrections Division of the National LEAA. We have just completed negotiations for funding of the second year of the New England Program: These include arrangements for funding through the two units—Corrections and JJDPOTG. As we have worked with the Juvenile Justice and Delinquency Prevention Operations Task Group we have been impressed by the caring about youth, and their willingness to stretch their resources to cooperate with us and other voluntary agencies. We have been concerned about the conditions under which they have been working—especially, the absence of the designation of an LEAA Assistant Administrator to head the Juvenile Justice and Delinquency Prevention Office as specified by the act. This is especially troublesome in view of the demonstrated competence and experience of the "Acting Head":

The loss of competent personnel due to governmental procedures which seem to have been applied with questionable rigidity and insensitivity to the need for experienced personnel in this difficult period when the provisions of the new act were being interpreted and new relationships were being developed;

The general understaffing of this Task Force, which seems to be a clear function of underfunding.

We feel assured that those who worked with us on this, regret their inability to fund the National Board YWCA and its New England affiliates at a level which would permit full utilization of their resources in all six of the States in the provision of YWCA community-based programs to serve young female offenders who need them. We know that the State Planning

Agencies, the Juvenile Justice Systems and related Youth Serving Agencies—and the many other public and private organizations that work closely with the YWCA is making maximum use of those services which we can provide—support, endorse, and desire to work with us in extending those services to other New England communities and other youth who want and need them. We know that they join us in our endorsement of the efforts of the subcommittee to unleash the additional resources that are needed to realize the potentials, not only in New England but in our country as a whole.

We look forward to the time when the conditions which are the products of inadequate fiscal resources may be removed from the situation, when we all may be freed to direct our energies to the important task of working with the youth who need them, and when we shall have the privilege again of presenting our experience to this subcommittee in terms of accomplishments, milestones passed, and momentum toward our mutual goals achieved.

PREPARED STATEMENT OF HON. BRENDAN T. BYRNE

GOVERNOR OF THE STATE OF NEW JERSEY; AND CHAIRMAN, COMMITTEE ON CRIME REDUCTION AND PUBLIC SAFETY OF THE NATIONAL GOVERNORS' CONFERENCE

Mr. Chairman, members of the Subcommittee To Investigate Juvenile Delinquency. On behalf of the Governors and the National Governors' Conference Committee on Crime Reduction and Public Safety, I want to thank you for this opportunity to reaffirm the support of the Nation's Governors for the objectives of the Juvenile Justice and Delinquency Prevention Act of 1974. To that end, we express our hope that moneys will be available to build on the progress States have made in reforming the juvenile justice system and to implement the objectives of the Juvenile Justice Act.

Efforts by the National Governor's Conference to promote enactment of a major new juvenile justice act began in 1971 when it became painfully clear that, primarily because of chronic underfunding, the Youth Development and Delinquency Prevention Act of 1968 was not going to achieve its objectives. Never was more than \$10 or \$15 million requested for a program whose authorization levels nearly paralleled those of the Juvenile Justice and Delinquency Prevention Act of 1974. Since 1971, our policy position has been consistently in favor of new and comprehensive legislation. The text of the present policy is set out below.

"In recognition of the key role which State governments play in the inter-governmental effort to prevent and control juvenile delinquency, the National Governors' Conference urges each State to act as the focal point for the coordination of planning and services of all State and Federal agencies which contribute to the prevention, control and treatment of juvenile delinquency.

"To achieve that objective, greater emphasis should be placed on coordination of effort between the numerous Federal agencies with juvenile delinquency programs and between Federal and State agencies.

"Recognizing that juvenile delinquency is a problem broader than the criminal justice system, planning for programs should promote coordination and utilization of private and public, social and educational services to youth to the maximum extent feasible.

"Further, recognizing that the key to meaningful reduction in juvenile delinquency lies in its prevention, each State should emphasize and strengthen its commitment to basic prevention programs giving particular emphasis to home, school and community centered programs aimed at youth in danger of becoming delinquent.

"The States have increasingly recognized the importance of preventive programs and made notable progress in implementing new programs and experimenting with new ways of preventing delinquency. What is lacking is a Federal commitment to the prevention of juvenile delinquency. The National Governor's Conference, therefore, urges the Congress to adequately fund and amend legislation to support State juvenile delinquency prevention efforts. Such legislation should focus on the following objectives:

"A. Improving Federal programs affecting juveniles. Such improvement should provide expanded juvenile jurisdiction and funding by the Law Enforcement Assistance Administration and those programs at the State and local level. Further improvement should also be sought in coordination with those programs recently being funded by the Department of Health, Education, and Welfare with those of the LEAA including its expanded juvenile authority.

"B. Broadening and planning structure and capabilities at the local and State levels.

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"C. Substantially increased funding for action and special impact by States and localities. A portion of the Federal funds under the act should be available for the matching requirements of other Federal funds, thus increasing the scope of the funding.

"D. Providing an ongoing capability for legislative and staff monitoring and evaluation of all programs and activities funded under the act as a basis for developing hard data for making decisions on long-range needs.

"E. Utilization of the existing structure of the State Planning Agencies for law enforcement in the achievement of the above objectives."

The Governors did more than adopt a policy position. Until the very day S. 821 became public law, Governors worked actively for enactment through letters, telegrams and personal calls to Senators and Congressmen and ultimately the White House; and, in speaking here, I seek to interpret for you the Governors' Conference policy statement.

Against this background it is understandable why the Governors are disappointed that so little progress has been made in implementing the legislation. We in the States now face the possibility that not only will there be no new juvenile delinquency funding support from the Federal Government, but the principal source of present Federal assistance, block grants from the Law Enforcement Assistance Administration may be cut back to 1972 levels. The President's budget recommends that block grants to States be reduced from \$480 million to \$413 million. If the Congress accepts the President's budget and the administration will not free up the limited amount of reprogrammed dollars that could be utilized for juvenile delinquency purposes, then even existing levels of service may be diminished.

We are well aware of the fiscal situation that provides the justification for the cutbacks. If anything, the States are more victimized by economics than the Federal Government. Unfortunately, if the costs of preventing juvenile delinquency and diverting young people from the stigma of the criminal justice system are deferred, the increased costs of juvenile crime and criminal processing, will more than offset the deferred prevention costs. The preponderance of the evidence indicates that residential commitments, probation services and diversion programs are substantially less expensive than training schools and other correctional institutions. Yet by our failure to provide these kinds of alternatives, we are compelled to pay the higher long-run costs of processing through the criminal justice system and incarceration in penal institutions.

It is well known that young people often end up in the criminal justice system for behavior that would not be criminal for an adult. We also know that youths who have gone through the criminal justice process are very susceptible to further troubles with the law. Their recidivism rate is probably in excess of 70 percent. Children who would be better served by counselling and regular attention and supervision are being sent to institutions simply because the alternatives to incarceration are inadequate or nonexistent. Thus a youth, whose chances of normal behavioral development were at least 50 percent, has his chances reduced to about 3 in 10 because of his contact with the criminal justice system. In a very real sense the cost of prevention is less than its "treatment." Ultimately we must pay more because we are unwilling to pay less.

From the point of view of the Governors, it is difficult to avoid a sense of *deja vu*. The same things we are now saying about the Juvenile Justice and Delinquency Act of 1974 were said equally vehemently about the Juvenile Delinquency Prevention and Control Act of 1968, 5 years ago. Like the present act, that act had laudable objectives. It was to coordinate and unify the Federal effort to prevent and control delinquency. Through block grants to States, it was to assist States and localities improve their capacity for dealing with criminal and other aberrant behavior of juveniles. It was mandated to develop innovative and imaginative programs to prevent delinquency. The act also provided for training of personnel in the field of juvenile delinquency.

Why did the Juvenile Delinquency Prevention and Control Act of 1968 fail? First, there was a lack of commitment on the part of HEW, the agency given administrative control of the act. That lack of commitment manifested itself in weak administration. Although the authorizations for the 1968 act were nearly as high as the 1974 act, the administration requested only \$49

million from 1968 to 1971—and only \$30 million was appropriated. Despite the minimal funding for a program with a vast mandate, only about half of the money appropriated was actually expended.

The Law Enforcement Assistance Administration seems ready and able to administer the funds for the 1974 act. Working as it does through an existing and functioning planning structure in the States, LEAA will no doubt be able to avoid many of the management problems that plagued HEW in administration of the 1968 act. Also, LEAA has substantial experience in juvenile delinquency. However, the question of funding is just as acute for the 1974 act as it ever was for the 1968 act.

In signing the bill into law, President Ford served notice that he would seek no new appropriations for the purposes of the act. As a temporary expedient, LEAA has sought to use a small amount of reprogrammed dollars from the Safe Streets Act to implement the act. While Congress consented to the use of the reprogrammed moneys, the Office of Management and Budget has withheld approval for their expenditure. What we have is the shell of a bill—a legislative Potemkin Village. It looks good from the outside; but, without funding, it is only a facade.

If there is no new money for this legislation or if the amount is minimal, the program will get off to a poor start. Then when it comes again before the Congress for funding, the argument will be made that nothing significant has been accomplished and the program is thus unworthy of substantial funding. By the next round of appropriation hearings, the Congress will have lost confidence in the program and some Members will begin to talk of new legislation to remedy the faults of the 1974 act—just as the 1974 act was intended to remedy the problems of the 1968 act.

From the perspective of Governors, we feel that the Juvenile Justice and Delinquency Prevention Act of 1974 goes far toward solving the administrative problems that undermined the Juvenile Delinquency Prevention and Treatment Act of 1968. Nonetheless, the new act cannot endure without funding. We strongly urge Office of Management and Budget to permit the use of the reprogrammed money and we urge the Congress to appropriate some additional funds for this fiscal year. In addition, we strongly urge the Congress to consider appropriating a sum for fiscal year 1976 that is commensurate with the purposes and objectives of the new act.

On behalf of the Governors, I want to commend this subcommittee for its efforts not only in the development and enactment of P.L. 93-415 but for its recognition that legislative responsibility does not end with the rollcall vote approving a piece of legislation. This hearing demonstrates that this subcommittee is deeply concerned about the future of this program and committed to making it a success. On behalf of the Governors, we are pleased to join you in that effort. You may be assured of our support.

PREPARED STATEMENT OF HON. THOMAS J. DOWNEY

U.S. REPRESENTATIVE FROM THE SECOND DISTRICT OF THE STATE OF NEW YORK

Mr. Chairman, suburban, semirural Suffolk County, in New York State, located within commuting distance of the New York City metropolitan area is in serious need of Federal assistance in the development of juvenile justice and delinquency prevention programs as described in the Juvenile Justice and Delinquency Prevention Act of 1974.

While most people are aware that there has been an increase in crime and delinquency in recent years, most still view crime and delinquency as urban phenomena. Meanwhile, the State of New York's Division of Criminal Justice Services has identified major areas of population and crime and arrest concentrations. The three areas identified as the State's "highest incidence and activity areas" are New York City, Buffalo-Erie County, and Suffolk County. In 1972, Suffolk County had 30,242 criminal cases with approximately 10 percent involving felony arrests. In 1973, crime in Suffolk's five western towns went up 12 percent.

In 1973, there were 2,497 juvenile arrests in Suffolk County which represents a 36 percent increase over 1972 when there were 1,843 juvenile arrests. During the year 1968, there were 1,506 arrests of children under the age of 16. According to the Suffolk County Family Court's 1973 Annual Report, the total number of juvenile delinquency cases appearing before the Family Court increased 50 percent during 1972-1973. According to Suffolk's Traffic Safety Department 16- to 19-year-old drivers accounted for 13.2 percent of alcohol-related accidents in the county in 1973, although that age group accounts for less than 7 percent of Suffolk's drivers.

FBI statistics in recent years indicate that youth crime in the suburbs is increasing at a more rapid rate than urban areas. Add to the figures, the likelihood of a substantial amount of unreported crime within local incorporated jurisdictions where "informal" arrangement between parents and local police replace normal processing, and you have an even greater social and economic problem affecting business homeowners, and the community-at-large.

In recent months, a large group of Suffolk County citizens have joined together to begin to develop some responsible alternatives to these conditions. Twenty-seven private, civic, church, and professional groups have been meeting since September 1974. Earlier this month, they conducted a 2-day Conference on Juvenile and Criminal Justice which was attended by over 400 citizens and an excellent representation of elected and appointed officials. A copy of their Overview of Juvenile and Criminal Justice is attached [See following.]

A major theme for the conference was to develop ongoing, effective citizen involvement in juvenile delinquency prevention and crime prevention and control. Recommendations of the conference participants were to develop an ongoing coalition and work with government towards desired ends.

We have specific ideas. For instance:

To divert many criminal cases from court into community-based, third party mediation, therefore, saving costs and assuring more justice to both sides of many types of cases. It is commonly recognized that a courtroom is not the atmosphere, nor does a lawyer have the skills, nor does our system easily allow for justice among many neighborhood and family disputes.

Programs to help parentless youth who need advocates and brokers when in court.

Programs to aid the runaway and his/her family to reunite.

Programs which bring together police and young people in non-threatening situations.

Programs which offer a shopkeeper an alternative to calling the police when a minor shoplifter is caught or when he notices a teenager keeping odd hours.

Our county does not have one residential treatment facility for juvenile boys as an alternative resource for the Court and Probation Department. There is only one for girls.

There is also a dearth of crisis centers and nonsecure residences.

The Federal funding within the Juvenile Justice and Delinquency Prevention Act of 1974 that is not forthcoming will deleteriously affect our county's impetus to move ahead. Our county needs the input or federally-funded demonstration projects into innovative areas.

The act provides the mechanism for the study of delinquency, for Federal assistance to local programs, for the evaluation of our efforts towards delinquency prevention. The legislative intent to address this national problem is clear.

Yet the absence of an appropriation for these programs in Federal fiscal 1976 budget thwarts the purpose of that act. Neither the Office of Juvenile Justice and Delinquency Prevention and the Federal assistance mandated in title II, nor the program for Runaway Youth in title III, will meet the goals set by Congress. The excellent local initiative, the concern of citizens—in my district and others—will not be utilized. The Federal responsibility accepted by Congress in 1974 will be denied.

We have the will and energy to try to reinstall a sense of responsibility once again in all of us towards one another. We want to create the means in our county to develop this. In order to see this happen, we urge your continued support to see the Act become a reality during 1975.

[Enclosure.]

SUFFOLK COUNTY CONFERENCE ON JUVENILE AND CRIMINAL JUSTICE—AN OVERVIEW

I. INTRODUCTION

Complex generalizations about crime and criminals, punishment and justice can no longer be substituted for the simple answers that we know to be true. Those generalizations are responsible, in part, for our hypocrisy and our hypocrisy is responsible for the condition of the system:

We say that many defendants turn to crime because they have been deprived of socioeconomic fundamentals, but we continue to treat people in a system that is blind to the effects of such deprivation.

We say that there should be different treatment for different types of people, but we continually refuse to establish the procedures for making the necessary distinctions between offenders.

We say that many offenders are so warped by their home lives that they are "anti-social," yet we fail to concentrate on that relationship until a person has penetrated far enough into the system to be assigned a probation officer after sentence.

We say that the probation caseload is too high to give the individual offender the amount of time required, yet we refuse to utilize the resources of the community to provide alternative supervision.

We say that the stigma of an arrest, the very existence of a criminal record, and the fact of incarceration are damaging to individuals, but we continue to arrest, convict, and incarcerate children and adults for minor crimes and petty offenses.

We say that people's criminal records will not be held against them, but in countless, sometimes invisible, ways we hold such records against them.

We say that juveniles have a right to treatment instead of punishment, yet we run institutions that brutalize children and make them less than citizens for the duration of their minority.

We say that conduct by juveniles, which, if committed by an adult would not be criminal, should be removed from the system, but we continue to institutionalize truants and runaways and "incorrigible" children.

We say that the earlier one gets embroiled in the juvenile or criminal justice system, the greater the likelihood of remaining in it, yet we continue to rely on it for too many individuals.

We say that the law should apply fairly and equally to all, yet we stop short of providing those services to the poor and the middle class that would make that cliché a reality.

We say that we want better police protection, but we treat the police with little or no respect and command them to do society's dirty work.

We say we'd like to rid our county of the root causes of crime, but we vote against the increases in taxes that could help bring that about.

We say we want alternatives to the penal system, but we refuse the establishment of halfway houses in our community or our neighborhood, on our block or next door.

We say we want safer streets, but we fail to report crime, to assist our neighbors, or to remove either the possibilities of incentives for crime.

We say we want a more secure community, but are unwilling to agree to the compassionate and economic measures required to make that a possibility.

We say we are angry, outraged, and vengeful over the crimes we hear about being committed, but we are really fearful, confused, and saddened.

And finally, we say that we have lost our compassion, and that that fact explains our hypocrisy. But that had better not be so, for if it is not our compassion and our love that are equal to the task of rebuilding this system, we have not the tools to accomplish it.

Our responses to crime and punishment are the product of our experience with the world as we have been taught to view it. We have come to believe that one may permissibly rely on punishment as a deterrent to crime even though few people truly believe that crime is generally thereby deterred. We live in an age when the old order and culture are being battered and attacked from every side and such great pressure is brought to bear on all of us, that we easily retreat toward expedient solutions and fear-permeated responses. Our first step, therefore, must be to exorcise from ourselves, the myths, the prejudices, and the stereotypes which control us. Perhaps as a second step we should begin to grasp who it is we are really afraid of and who it is we are really ashamed to be afraid of. We must stop thinking of vicious and brutal personal attacks as the only kind of crime which exists. This thinking immobilizes, confuses, and diminishes us.

Millions of Americans are arrested and jailed each year for drinking too much in public. In a country where alcoholism is a widespread disease, an enormous social problem, and a disorder all too prevalent among the young, such a governmental response seems almost a breach of the public trust. Yet we, all of us hypocrites, are responsible. Who wants to be near a drunk, at least when one is sober? Each of us is responsible for the waste resulting from arresting, processing, convicting and incarcerating people with drinking problems. We can hardly cry about serious crime not being pursued when we continue, as citizens, to insist on stupidity. This year may be the last in which Public Intoxication is a crime in New York State, but we need only combine our past response to this victimless crime with our continuing response to possession of marijuana, gambling, prostitution, loitering, and consensual sexual acts; multiply ten-fold the resultant waste for all concerned, and the problem of crime and punishment becomes a different problem. Crime comes in many forms and shapes, and it is not liberal bleeding-heartism that begs for an analysis of those varieties before flailing at the crime statistics. Common sense, basic human compassion and personal self interest all demand this analysis.

If the sum of citizens' experience with criminals and criminal justice is the newspaper and the television; or if it is the vivid personal experience of one criminal incident (even a violent one); or if the sum represents merely an abstract belief in the system of justice, that experience is, standing alone, unreal and not a basis from which to generalize. And if the sum of experience for a judge, district attorney, police, or defense attorney is only the perception of the particular caseload they have faced for years, it too is unreal.

As lay and professional citizens—plumbers, teachers, judges, and attorneys—we owe ourselves the personal willingness not to generalize about crime and criminals.

We need to know that some offenders are dangerous people; that some are unable to sustain themselves psychologically; that some are bewildered, afraid, and lonely; that some are devoid of hope; that many are poor, undereducated,

underemployed, with little expectation that circumstances will change. We need to remember these different kinds of humans each time we call for an across-the-board solution to crime or an across-the-board demand for punishment.

True, we need to know that there are people who will inflict pain and suffering and violent armed robberies. But, daily we are reminded of that fact. We should also be made aware of the fact that many cases, rarely publicized, consist of thefts under ten dollars; that sometimes people steal meat from grocery stores, and clothes from department stores, a radio, a battery, a toy.

We have created a system to deal with all these acts that fail to make any meaningful distinctions between one kind of behavior and another, or to act according to the distinctions, if made. And the consequence of not making those distinctions becomes apparent when one examines the system's earlier treatments of *now* violent offenders. The personal history of people who brutalize others frequently reveals that they, themselves, were brutalized by natural or foster parents, or through a process of extensive and early initiated institutionalization. Many violent offenders begin on the journey toward violence only after having been incarcerated for committing an insignificant act. There may be the need to incarcerate some dangerous people, but as citizens, we should reject any attempt, by anyone, to make us think such people form a majority of those who break the criminal law. And even among those whom we might all agree are dangerous people, in need of incarceration, there is no legitimate basis for the continued brutality and dysfunctional programs of our penal institutions.

As citizens, we need to remember that there is a clear and undeniable relationship between the way the system treats people (before and after their acts) and what those people will do in the future. And we need to remember that relationship when we are bombarded by those who fail to make distinctions. We need to remember it even more when the headlines, and editorials, and broadcasts, and news specials are all asking us to forget it. We need to remember it more when we least wish to—when we are afraid. Lay citizens must know that the system which is proclaimed to be their protector is, in fact, in desperate need of an infusion of new ideas and procedures. They must know that some of these ideas will require more courage and faith to implement than many of us feel we have. We must resist being cowed into silence by those who would claim ownership of the reins of system power, for they, most of all, will come to cherish our involvement.

By its own weight, the system is grinding slowly to the point where private citizens are most needed. In the clubhouse, the committees, and the meeting rooms of prestigious commissions, these words are not viewed as heresy, for in those places, today like in none other, the word has gone forth that our justice system is hanging by a thread. And a mighty thin thread it is.

It is from the foregoing matrix of fear and catastrophe that our involvement must spring. And it is from this place that we can renew ourselves and our system. We can begin again.

From officials there will be fear at first, hesitancy, and the natural jealousy that accompanies sharing any great responsibility. But this will ultimately give way as it inevitably must, when our elected and appointed officials see that we have channeled our fear and concern into new energy and a continuing commitment to change this system, to make it work, and to involve ourselves in ways hitherto unimagined as a means to that end. This we can do. This we must do.

None of this will occur by defining the system as something foreign to us, something "over there" out of reach, to be used by the professionals and called upon by us in our hour of need. It will come by defining the justice system as *our* creation—an entity which takes *our* taxes, enforces *our* laws, and acts continually in *our* name.

No amount of theoretical rationalization can erase the fact that when the system acts, *we* act. When it is wrong, *we* are wrong. If it is guilty, *we* are guilty.

It does only that which we permit it to do and it will perpetuate only that which we continue to allow.

II. AN OVERVIEW OF CITIZEN INVOLVEMENT AND COMMUNITY CRIME PREVENTION

Community involvement in the criminal justice system¹ has been a specific recommendation of the President's Commission on Law Enforcement and Administration of Justice (1967) and the National Advisory Commission on Criminal Justice Standards and Goals (1973). This latter Commission concluded that the United States could, and should, reduce, by 50%, the rate of "high fear" crime by 1983.² Four priorities for reaching this crime reduction goal were established by the Commission: (1) minimizing the involvement of young offenders in the system; (2) improving the delivery of social services to groups which contribute higher than average proportions of their numbers to crime statistics; (3) reducing court delays; and (4) increasing citizen participation in the criminal justice system, with the active encouragement and support of criminal justice agencies. Significantly, not one of these priorities can be accomplished by criminal justice agencies alone. The first three require the fourth, citizen participation, to be made manifest before they can be completely successful.

We believe that the possibilities for community crime prevention are endless if a means can be developed for transforming the rhetoric of citizen involvement into the reality of citizen action. The first step, which, seemingly, everyone agrees upon, is the raising of community awareness. We believe that by raising the consciousness of citizens regarding the criminal justice system, action will follow. Such action can reduce citizen fear, control and prevent crime, lower recidivism rates, and improve the administration of criminal justice in Suffolk County. The *means* by which community awareness is raised are as important as the *fact* of raising awareness.

After the conference, which will provide a visible starting point for citizen involvement in the development of specific programs, we would like to see the establishment of an ongoing criminal justice coalition of concerned lay and professional citizens. The conference, in our view, will serve to educate lay people, as well as to catalyze joint lay and professional action.

By forming this type of structure, we can combine the talents and resources of both groups to solve the problems directly and tangentially related to crime, while avoiding the bad results, confusion, and misunderstandings which usually accompany uncoordinated action. By bringing about necessary, incremental, and planned change through a process of joint decision-making, we believe that community crime prevention and citizen involvement will be developed.

A primary goal of the Coalition and the Conference is the targeting of specific programs planned jointly by lay and professional citizens.

At present, we have an ongoing Steering Committee with representatives of many community agencies and citizen groups.³ We have invited criminal justice professionals to join us in the initial planning and, in the very near future, we will be asking all agencies to join us by sending representatives.

III. COMMUNITY CRIME PREVENTION

We would like to describe some possible roles which citizens would play in resultant programs directed at community crime prevention. We can define

¹ Criminal justice system is utilized herein to refer to both the juvenile justice system and the criminal justice system.

² High-fear crime, as defined by the Commission, refers to homicide (murder, and non-negligent manslaughter), forcible rape, aggravated assault, burglary and robbery *when committed by a stranger*. National Advisory Commission on Criminal Justice Standards and Goals, *A National Strategy to Reduce Crime* (1973) at 7 (hereinafter referred to as the National Advisory Commission).

³ Currently represented are: American Association of University Women—Huntington Township, Islip and Setauket Chapters; American Jewish Committee; Black Assembly of Suffolk; Black Lay Catholic Caucus; Black United Students—Suffolk Community College; Harborfield/Elwood Youth Development Association; Hofstra University School of Law; Huntington Township Youth Board; Junior League of the North Shore; Long Island Rail Commission; Melville House, Inc.; National Association of Social Workers—Suffolk County; Smith Havel Ministries; Society of Friends—New York Yearly Committee; Stony Brook University School of Social Welfare; Suffolk Citizens for Children; Suffolk Community Council; Suffolk County Bar Association; Suffolk County Chapter of the New York Civil Liberties Union (ACLU); Suffolk County Girl Scout Council, Inc.; Suffolk County Youth Services Coordinating Committee; Unitarian Fellowship of the Three Villages, Inc.; United Church of Christ—Criminal Justice Team; United Church of Christ—Women's Fellowship—Metropolitan Association; and YMCA of Long Island, Inc.

potential and possible citizen programs which we should like to see: Programs which can assist the victims of crime and those charged with it; programs which explain the court system to defendants, complainants, and potential jurors; programs of rape crisis intervention and family crisis intervention that active citizens can develop; bail funds and informal programs of community supervision; the development of halfway houses and encounter groups; and, formal programs where the police can send kids they would rather not arrest. We would like to see the District Attorney utilize prosecutorial discretion to develop procedures by which community alternatives are utilized prior to the charging decision. Prosecutorial mediation hearings such as those held in Washington, D.C., Los Angeles, Detroit, Chicago, and Columbus, Ohio might easily be implemented here, and utilize trained lay citizens as hearing officers in minor cases. Similarly, there are a range of programs that can be developed for the courts to provide either alternative processing or alternative dispositions after processing, which can utilize concerned citizens as personnel and sponsors. A myriad of other citizen programs could be described, ranging from block associations reporting criminal activity to the development of a volunteer capacity within criminal justice agencies, from the analysis of poor street lighting to counseling dropouts, from organizing neighborhood cleanup campaigns to the promotion of security codes.

Yet our specification of the roles which either lay citizens or professionals will play in future programs is beyond our ability at present. Such roles are currently in a vacuum. What we can and will gladly do is present our perspective on the possibilities of citizen participation in the criminal justice system.⁴

Our concept of the responsibility of citizens extends beyond reporting observed crime, locking one's door and cancelling the paper before leaving on vacation. Crime prevention and control as we define it, extends into every human endeavor. As such, citizens can be involved if a mechanism can be developed to provide roles for them.

We know, for example, that no criminal agency is charged with developing employment opportunities within Suffolk County. The criminal justice model which posits arrest, charging, trial or plea, conviction and sentencing leaves little room to act on the recognition that unemployed people commit more crime than do those with jobs. Yet the development of an employment bank initiated, coordinated, and perpetuated by lay citizens could be transformed into reality very easily. The desire of agency professionals and lay citizens to establish and promote it and the raising of citizen awareness as to its necessity is all that is necessary for its development. Many citizens who feel no relationship to the criminal justice system, work in, or manage companies that can develop an affirmative hiring program for unemployed criminal offenders or ex-offenders. In companies which discriminate against ex-offenders, employees can band together to change the policy. Other citizen groups have charitable funds available to pay for training programs. Still other citizens have the time and willingness to actively work individually to develop placement opportunities.

Similarly, there are citizens in our County who have specialized skills in areas such as nursing, teaching or creating art. These same people, isolated now from the system and those who pass through it, could be called upon to provide health, hygiene, and prenatal counseling, or remedial education and tutoring, or to run drawing, painting, and sculpture classes. There are, in our County, actors who will be thrilled to run programs of improvisational theater, bus drivers who will teach a first offender how to drive, and lawyers who will help high school students draft a pamphlet explaining their rights as consumers. We can accomplish much if we provide a mechanism for catalyzing concern. What ordinarily holds citizens back is a lack of knowledge regarding where and how they can fit, combined with the fear-precipitated conclusion that all is futile. Simple answers, however, can answer

⁴ We consider it important that the National Advisory Commission devoted a volume to an amplification of the potential programs that any particular jurisdiction might wish to adapt to local conditions. In the Commission's estimation, there are 100,000 non-governmental agencies and organizations involved in preventing crime. National Advisory Commission on Criminal Justice Standards and Goals, *Community Crime Prevention* (1973) at 301.

seemingly complex questions. Simple skills can transform despair into hope, failure into success. If a criminal justice coalition can start the process, the limits of community crime prevention are bounded solely by the human imagination.

We are not presenting ideas which come full blown and ready for implementation. Nor would we choose to. We are relying on, and depending upon, the belief that the process of examining possibilities in a new way will in, and of itself, yield beneficial results. We know that the resources which every community must take advantage of for successful crime prevention, are present and untapped in Suffolk County. We also know that professionals in the system recognize, more than lay people the need for simple, everyday skills to be used in the fight against crime and the battle for successful rehabilitation. The indicia of recidivism on repeaters and the already forming stigmata on first offenders are the everyday vision of system professionals. More clearly than lay people, they see the familiar patterns of behavior which are presented in the counts day after day, week after week, and year after year. Their knowledge, coupled with lay talent, time, and energy, can bring about imperative reform.

We need to develop new patterns for people—both those who pass through the system and those who rely upon its ability to fulfill its goals. Why should not a Family Court intake worker be able to work hand in hand with a voluntary group of gas station owners willing to teach auto strippers to fix carburetors? Why should not church and civic organizations pay such automotive apprentices? Why should not a District Court Judge be able to utilize that same process when a citizen volunteer in the probation department, after full investigation, recommends it?

Why should not citizens invite a police rookie and captain to a group discussion with other citizens and offenders on probation? Why cannot such groups be a condition of probation or part of a community-run diversion program? Why cannot such groups meet in private homes and normal atmospheres? Why should not a judge sentence a burglar to a conditional discharge on the condition that he work with community groups to analyze which homes or apartments in high crime areas are vulnerable? Why should not this be the system's entire sanction in an appropriate case? Why cannot the manager of a department store sit down with someone stealing from the store and discuss the high cost of goods and the partially crime-related reasons therefore? Why cannot a neutral mediator facilitate the discussion? Why cannot the Chamber of Commerce initiate such sessions? Why should not private citizens volunteer to house defendants or juvenile respondents as an alternative to the jail or shelter? Why should not the Better Business Bureau be called upon to work with citizens forming programs for kids so that minor store incidents can be resolved in a meaningful way without involving the police? Why cannot such programs be planned with the joint and specific goals of avoiding giving the kid a record and coming to terms with the acts which took place? Why cannot a judge who thinks prison will not benefit a defendant who knifed someone send that defendant to work in a hospital emergency room? Or have that defendant observe, there, the victims of irrevocable knife wounds? Or to learn something about anatomy? Why cannot a volunteer capacity be developed in every criminal justice agency in Suffolk County? Why should not a permanent group of lay and professional citizens lobby on behalf of any of these ideas, and others, in Albany, or closer, if need be, to bring them to fruition?

The fundamental premise of our criminal law is that human beings are responsible for their actions. We are to be held accountable when we injure each other. The reduction of crime requires instilling that sense of responsibility once again in all of us. We can create the means in our County to develop this. It might just be that by promoting the fundamental premise of the system, we can bring about the very change needed to make that system work again.

PREPARED STATEMENT OF ESTHER R. LANDA,

PRESIDENT, NATIONAL COUNCIL OF JEWISH WOMEN

The National Council of Jewish Women, with a membership of over 100,000 women in local sections throughout the United States, has had a concern for the protection of individual rights and liberties guaranteed by the Constitution and the welfare of all children since its inception in 1893. At our last biennial convention in March of 1975, the delegates reaffirmed the following resolution:

"The National Council of Jewish Women believes that the freedom, dignity and security of the individual are basic to American democracy, that individual liberty and rights guaranteed by the Constitution are keystones of a free society and that any erosion of these liberties or discrimination against any person undermines that society.

"We Therefore Resolve:

"To promote the adoption of uniform federal, state and local laws that protect the legal rights of children."

Our concern for the welfare of children prompted us to initiate a Justice for Children program which began with a national study of the subject. We soon realized that many of the recommendations made by national commissions and respected authorities over the past decade had been iterated and reiterated, but rarely implemented. Our study indicated that the traditional juvenile justice practices apparently failed to meet the problem.

Almost 1 year ago, the Senate gave its overwhelming approval to the Juvenile Justice and Delinquency Prevention Act of 1974. It recognized, in the words of the act, that "the high incidence of delinquency in the United States today results in enormous annual costs and immeasurable loss of human life, personal security, and wasted human resources and that juvenile delinquency constitutes a growing threat to the national welfare requiring immediate and comprehensive action by the Federal Government to reduce and prevent delinquency."

Based on our own national study of the juvenile justice system, the National Council of Jewish Women was well aware of the need for this legislation, supported its passage, and applauded the action of Congress. It seemed as if the concentrated and comprehensive effort required in this area would be undertaken. To our great disappointment, the implementation was thwarted by late and inadequate funding.

The act states that "existing Federal programs have not provided the direction, coordination, resources, and leadership required to meet the crisis of delinquency." This has been further documented by a recent report of the General Accounting Office which calls for full funding of the Act to correct these deficiencies.

The funding authorized by the Juvenile Justice and Delinquency Prevention Act was \$75 million for the first year, and \$125 million for each of the two ensuing years. To put this in perspective, may we note Senator Bayh's testimony: "In 1969 the cost of juvenile crime was estimated at over \$16 billion but that is a conservative estimate considering the continuing rise in juvenile crime and inflation."

The failure of the President to request any funds for this program either in the Second Supplemental Appropriation bill or the 1975-76 Fiscal Appropriation bill was a great disappointment to us in view of the fact that we were aware of the critical need for resources to implement the Act of 1974. We are pleased that Congress did appropriate \$25 million in the Second Supplemental and that the House appropriated \$40 million for fiscal 1975-76.

However, this amount divided among 50 States and several possessions will not offer the resources the situation requires.

As you consider your appropriations recommendations, we ask that you remember Senator Hruska's admonition: "While we in Government are attempting to achieve a balanced budget, certain crisis problems such as juvenile delinquency demand an immediate mobilization of Federal resources. The crisis of juvenile delinquency must be met."

We therefore urge full funding of the Juvenile Justice and Delinquency Prevention Act of 1974.

NATIONAL ASSESSMENT OF JUVENILE CORRECTIONS

THE UNIVERSITY OF MICHIGAN,
Ann Arbor, Mich., April 15, 1975.

Hon. BIRCH BAYH,
U. S. Senate, Washington, D.C.

DEAR SENATOR BAYH: I will soon be telephoning to seek advice about how to proceed in this grave matter, and information about LEAA's actual plans for research in the juvenile area.

Your interest is greatly appreciated.

Sincerely yours,

ROBERT D. VINTER,
Professor and Co-Director.

[Enclosures.]

U. S. DEPARTMENT OF JUSTICE,
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION,
Washington, D.C., March 26, 1975.

Dr. ROBERT D. VINTER,
Project Director, National Assessment of Juvenile Corrections Project,
Ann Arbor, Mich.

DEAR DR. VINTER: The Juvenile Justice and Delinquency Prevention Act of 1974 increased LEAA's authority and mandate in the juvenile delinquency area. However, as you are undoubtedly aware, at the time the Act was signed into law, no funds were appropriated to carry out the new programs authorized. And at present, it does not appear likely that additional funds will be forthcoming in the near future. In order to make maximum use of our limited resources in addressing the requirements of the new Act, we are attempting, where possible, to utilize existing funds allocated for juvenile delinquency action and research so as to carry out the policies set forth in the legislation.

One of Congress's strongest injunctions is contained in § 243(3) of P.L. 93-415, instructing the new National Institute for Juvenile Justice and Delinquency Prevention to "provide for the evaluation of all juvenile delinquency programs assisted . . . in order to determine the results and the effectiveness of such programs." Good evaluation is extremely costly. We have concluded that the majority of the FY 75 research funds will be needed to support evaluations of juvenile delinquency programs undertaken with our discretionary funds. The increased emphasis on the evaluation will result in a reduction, in the amount of research funds available for the continuation of research projects begun in previous years and for the initiation of new basic research projects.

We have recently completed a careful review of our research and evaluation obligations for the rest of the fiscal year, and have tentatively concluded that it will be necessary for us to limit support for the National Assessment of Juvenile Corrections for next year to \$350,000.

In our view, this will be sufficient to enable the project to continue to conduct the data analysis and report writing efforts in the areas and according to the timetable specified in the schedule of reports submitted as part of the FY 75 award. However, we realize that the reduced level of funding will result in the elimination of other activities, such as the Advisory Panels, maintenance of the State Desk and National Registry, and supplemental research. The loss of these activities will undoubtedly be painful to the project and impair, to some extent, the scope of the final products of the grant. We regret these consequences.

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I would ask that you review your FY 1976 plans and budget in light of this tentative decision, using your own best judgment as to the activities which should be carried on and those which will be terminated or reduced in scope. My staff and I will be willing to meet with you in two or three weeks to discuss the matter, after which we will make a final decision on the level of funding which we will recommend to the Administrator for FY 1976.

We feel that it is important to give you as much advance notice as possible of these budgetary developments in order for you to make a smooth transition to a reduced project budget.

Please call Ms. Bonnie Lewin if you have any questions concerning our decision.

Sincerely,

FREDERICK P. NADER,
Acting Assistant Administrator, Juvenile
Justice and Delinquency Prevention,
Operations Task Group.

NATIONAL ASSESSMENT OF JUVENILE CORRECTIONS,
THE UNIVERSITY OF MICHIGAN,
Ann Arbor, Mich., April 9, 1975.

Mr. FREDERICK P. NADER,
Acting Assistant Administrator, Juvenile Justice and Delinquency Prevention
Operations Task Group, U.S. Department of Justice, Law Enforcement
Assistance Administration, Washington, D.C.

DEAR MR. NADER: I am replying to your 26 March letter informing us of your plan to emasculate the National Assessment of Juvenile Corrections evaluation project by slashing its FY 1976 budget to a 50% level. After receiving your answer to this letter, we will respond again as soon as possible, or will seek to arrange a meeting with you and other LEAA officials in Washington. The purpose of this letter is to advise you that NAJC absolutely cannot accomplish either its core objectives, or realize the results from the \$2,200,000 already invested by LEAA, if it is strangled in its last full year. To save dollars that equal only 16% of the total awarded to date, you are preventing the completion of all project achievements. How can LEAA justify a waste of over four years of research that has been regularly cited as one of the major efforts of its juvenile division?

You and your staff must be fully aware of the catastrophe such a reduction represents if you have read our reapplication, progress reports, Review Team summaries, and your monitors' reports. It is inconceivable that a 50% cut will not do more than "impair to some extent the scope" of NAJC's productivity. Your suggestions for economizing (p. 2) are wholly unrealistic in view of the detailed reapplication budget and text we submitted. The potential savings you itemize total only \$29,522 in contrast to the \$348,000 cut you want to impose on us. Yet the relevant item costs were fully detailed in our reapplication, which also clearly shows that NAJC's last full year is budgeted at 18% less than its present Fiscal Year award. Further, our good-faith FY 1976 budget request was premised on the total accepted by the Administrator's Office last year when it approved our FY 1975 budget. (The \$45,000 for unpredictable rises in mandatory overhead and employee benefit rates cannot be absorbed without cutting project productivity.)

From NAJC's inception, LEAA and the Institute have publicly defined this project as one of only two national studies in the entire juvenile justice area. Certainly NAJC has been the only national *evaluative* study supported by LEAA or the Institute in the juvenile field, as declared in published LEAA and Institute reports, and in Administrator Velde's and Deputy Administrator Work's 1973-74 Congressional testimony. At no time has any spokesman of LEAA—or any Review Team member or Institute staff member, or any other Justice Department official—ever publicly asserted that NAJC is other than the major national project for evaluation of juvenile corrections and justice.

Nor is it demonstrable, as far as the public record reveals, that the Congress intended either the termination or the squandering of sunk costs of

\$2.2 million for the very national juvenile justice assessment project that LEAA and Institute officials have formally supported in all their reports and testimony. We read the public record to mean that LEAA was directed to allocate proportionately *more* of its resources and energies to evaluation, and to avoid dispersion of funding for research and evaluation. Certainly this record does not call for less support for what NAJC has accomplished and will complete.

One possible basis for the paradoxical slash you propose is that LEAA has already made overly generous funding awards to other, new juvenile justice projects, so insufficient funds now remain to fulfill the financial requirements for NAJC's last full year of support which were demanded by LEAA and agreed to by NAJC in Spring 1974. The funding of several "Phase I" projects labeled evaluation, sometimes in areas already being studied by NAJC, may have been decided without taking NAJC's previously known FY 1976 support needs specifically into account. Yet LEAA has regularly affirmed in public statements that NAJC is a 5-year project, and has consistently given assurances that it will be supported to completion. These facts, in addition to LEAA's knowledge a year ago of NAJC's definite FY 1976 requirements, indicate that the 50% slash proposal cannot stem from a full judgment of the consequences. If NAJC can so easily be considered expendable, why was this not reported in testimony to the Congress, in LEAA or Institute reports, to project Review Team members or monitors—let alone to NAJC?

It is readily apparent that a 50% slash in NAJC's budget would erase the project and forfeit most of its prior research—and, thus, most of the \$2.2 million already invested. The publications planned for FY 1976 represent 2/3 of NAJC's total output and report 4/5 of the actual research, as carefully planned and conducted over the preceding four years. Since 82% of the requested direct costs involve personnel charges, the slash would fall disproportionately on project staff. Yet research publications are prepared by people—*people* complete data analyses and write reports. It is preposterous to assume that less than half as many persons can complete a schedule of publications that was forecast based on a full complement of staff.

So there can be no misunderstanding about NAJC's research reports that are imperiled by the proposed cut, we summarize these as clearly described in our application text. Each represents several years of effort and hundreds of thousands of dollars in prior LEAA funding; none duplicates earlier reports; and no comparable national findings are or will be available from any other research project.

1. National Survey of Juvenile Courts. Presents findings about major court goals, structural patterns, staff characteristics, and court procedures obtained from a systematic mail survey of a random sample of juvenile courts in 400 counties in 50 states (conducted with interested assistance from the National Council of Juvenile Court Judges). Key dissemination groups include all U.S. juvenile court judges, other judiciary, attorneys and Bar Associations, state agencies and policymakers, corrections and legal standard-setting bodies, and justice and legal researchers. Among others, the American Bar Association has already requested early data runs from our judges' questionnaire, as has the research center of the National Council of Juvenile Court Judges.

2. State Juvenile Justice Systems. An extensive cross-national study of 50 state juvenile corrections agencies, reporting basic comparative information about states' trends in deinstitutionalization; their moves toward community-based programming; directions of states' juvenile justice policy development and programming; and their funding levels and patterns, specifically including the impact of LEAA awards among the states. Primary audiences are state officials, agency executives, legislators and policymakers, budget officers, national organizations, and Federal officials and agencies.

3. Juvenile Court Field Studies. This publication will present findings from intensive field studies in seven different juvenile courts. Detailed comparative information will be reported about *how* courts operate, how decisions are made and by whom, what procedures are used, how courts interact with community agencies, and about the flow of juveniles through court and probation programs. The intended audiences are similar to those listed for the

National Court Survey, plus agencies involved in diversion, detention, and probation.

4. Correctional Programs for Juvenile Offenders. This publication will complete the reporting on the large amounts of data collected in systematic on-site studies of *forty* correctional programs of all kinds, sizes, auspices, offender populations, and locations. This report's in-depth findings will go far beyond the descriptive information being published during FY 1975, all of which is critically needed for evaluation of correctional programs and the development of innovative practices. Dissemination audiences include administrators of correctional programs across the nation, state and national corrections officials and agencies, policymakers, corrections and professional training programs, researchers, evaluators, etc.

5. Juvenile Justice: A National View. This overview publication depends entirely on analyses to be completed during FY 1976 and will be issued shortly thereafter. It will *integrate* the findings outlined above, plus findings in these and related areas that will not be available in time for inclusion in the other reports, and it will make connections with much data from other sources (i.e., LEAA, U.S. Census, etc.). No comparable meshing of such large amounts of juvenile justice information has ever been attempted, and a compendium of this kind is vitally necessary for all those responsible for policymaking, program development and administration—as well as evaluation. This publication will serve as a fitting climax to this major National Assessment.

In addition to the irretrievable loss of these publications, and of the great effort invested in their preparation, you must face the fact that NAJC has made firm guarantees—with LEAA's full knowledge, consent, and support—that such reports shall be published and widely disseminated. These guarantees were given not only to key persons concerned with juvenile justice across the country, but more especially to the hundreds of programs, courts, and agencies that have participated in NAJC's research, to the thousands of persons who have provided information and aid, and to the many hundreds of officials and other agencies who have requested the results. In this connection we call your attention to the dissemination mandate set forth in Sec. 243 (7) of P.L. 93-415, which can scarcely be read as in intent to incapacitate NAJC in publishing its findings.

There can be no moral, legal, or rational basis for deciding which of these obligations should now be denied, which areas of study should be terminated without cause or result, which key audiences should be ignored, or which contractual guarantees should be abrogated. The issue of NAJC's clear responsibility for publication and broad dissemination of reports was concretely faced, resolved and put to rest in an LEAA review during early FY 1974. Its reemergence at this late date will inevitably offend and antagonize all those we have cited above, and many others. When the outcries are heard, we at NAJC will be totally unable to explain or defend LEAA's arbitrary reversal of assurances made over the years of this research.

As to the project's being evaluation, we note that LEAA's and the Institute's previous declarations and reports, and the Administrator's Congressional testimony, authoritatively establish that NAJC's studies are evaluation. This is also true within the clear intent and meaning of P.L. 93-415. We have preferred to use the term "assessment" to describe our research, but we concur with LEAA's public claims in print and testimony that we have been "evaluating" major components of juvenile corrections and justice on a national, systematic, and comparative basis. Each of NAJC's main areas of study has: (1) included largely or entirely those programs "assisted" by LEAA funding; (2) generated basic descriptive, operational, and impact information; (3) examined connections between policy, planning, administration, treatment or program, and achievement; (4) made comparisons using standardized research procedures that can be duplicated and used in other evaluative studies; (5) studied state justice system impact on programs; and (6) pointed to operations assessment, evaluation, and juvenile justice policy implications of the findings. In all areas we have deliberately dealt both with traditional or conventional practices and with newer or more innovative programs, developments, and policies.

In most of these areas NAJC has pioneered in development of systematic research and evaluation methods for which there has been very wide demand, and which will be prepared for full sharing (technology transfer) shortly after the end of FY 1976, as per Special Condition No. 2 in our FY 1975 Grand Award. Certainly, no other study in juvenile or criminal corrections has encompassed so many states, jurisdictions, agencies, courts, programs, methods, measures, and types of data that are crucial for evaluation.

In all of these areas NAJC has added immeasurably to the information bases necessary for evaluation, and has integrated (and begun disseminating) informational resources not previously available or not exploited for juvenile justice planning and evaluation.

Without immodesty NAJC has regularly reported to LEAA on the overwhelming flood of demand for the results of its research, for sharing of its materials and study procedures, for technical assistance in program evaluation, and for further dissemination of its findings. Units within LEAA and almost all LEAA-funded research projects that are focused on juvenile corrections and justice have sought advice, assistance, materials, and findings from NAJC, as have countless state agencies, criminal justice centers and researchers, etc., etc. Supplies of NAJC reports are exhausted within a few months of their issuance, and even the Criminal Justice Reference Service has tried to obtain great quantities to meet the demand on them.

Your proposal to slash NAJC's FY 1976 budget also has grave implications for on-going and impending activities. We are simply unable to handle the difficulties encountered each year in securing the project's forward support without adverse effects on other, current tasks. The problem is especially acute at this time, since all plans for the period after 1 July 1975 are now uncertain. We are compelled, therefore, to postpone or delay certain research activities until the Co-Directors are able to give them undivided attention, or until continuation during FY 1976 is assured. Examples of these include the youth follow-up study, confirmation of arrangements for Dr. Donald Cressey to participate in writing up the court mail survey, the study of State Planning Agencies, and convening of NAJC's Advisory Panel. Delays in fully implementing these or other activities will necessarily affect the project's schedule and its ability to complete specific study efforts.

We had already sent invitations to members of NAJC's Advisory Panel on Correctional Programs (and several Research Panel members) to convene on 16 May 1975, when they would review overall research results and advise on best uses of the findings from the project. Almost all the replies from these Panelists confirm their intentions to attend this session. We now find it necessary to postpone this meeting indefinitely, and—in recognition of their busy schedule—are communicating with the Panelists to this effect. The implications of your proposed cutback are so drastic for NAJC's future, and especially for its final analyses and publications, that the main reasons for convening the Panel at this time have now been undermined. And, since you recommend that the FY 1976 Law and Policies Panel session (including the remaining Research Panelists) be eliminated, we cannot proceed with one session while cancelling the other. We must remind you again that these Panels were established with the full concurrence of LEAA, and firm assurances were given that they would provide highly informed guidance during the life of the project. Thus, Panelists have always understood that they would be convened at least one more time since they have met only once each. In fact, we have been chided by some members for not having called more frequent sessions. The resentment that may be generated from the Law and Policies Panelists should be carefully weighed against the \$9,240 saved by cancelling the FY 1976 meeting.

This letter has outlined the major reasons why a 50% slash in NAJC's FY 1976 budget would actually result in the loss of almost \$2.2 million in LEAA's sunk costs, the abrogation of long-standing commitments and repeated assurances, and our incapacity to complete the analyses and to disseminate the findings from this National Assessment. We believe the cutback is unnecessary, and we formally request a review at higher levels of the Law Enforcement Assistance Administration, including consideration of drawing

on both LEAA's FY 1975 and FY 1976 funds to fulfill NAJC's FY 1976 requirements.

A firm resolution of this matter must be accomplished at the earliest possible time. Due notice must be given to employed personnel, and the project's productivity and continuance are further jeopardized when we cannot expect to retain experienced and highly qualified staff and only 58 workdays remain under the present award.

We will look forward to an early response to this letter.

Truly yours,

ROBERT D. VINTER,
ROSEMARY C. SARRI,
Professors and Project Co-Directors.

[Enclosure.]

NATIONAL ASSESSMENT OF JUVENILE CORRECTIONS,
THE UNIVERSITY OF MICHIGAN,
Ann Arbor, Mich., April 15, 1975.

To: Advisory Panel Members.

From: Robert D. Vinter and Rosemary C. Sarri, Project Co-Directors.

Re: Indefinite suspension of advisory panels.

It is with the deepest regret that we must indefinitely suspend the project's Advisory Panels and postpone meetings scheduled or planned for 1975-76.

We are enclosing a summary of NAJC's recent work and our plans through June 1976 for completing data analyses and publications. After submission of our FY 1975-76 reapplication we received a totally unexpected budgetary communication from LEAA that imperils all project activity for next year—NAJC's final full year. LEAA's intention to slash our budget by 50%—without any prior notice and despite long-standing assurances—has such drastic import for the project's existence that it undermines the main purpose for convening the Panels: to review work accomplished and provide guidance for that yet to be done. The attached letter from Mr. Frederick Nader at LEAA states the cutback plan (see especially top of page 2); our response of 9 April 1975 details the consequences of this plan and the basis for our strenuous objections to it.

We have been committed to the need for advisory groups, and were assured at the beginning that the grantor was equally committed. However, last year LEAA agreed only to a final meeting of the Correctional Programs Panel this fiscal year, and postponements of the Law and Policies Panel meeting to next fiscal year—and now recommends that the second meeting not be held. We had agreed to the recommendation that Research Panelists be divided among the two meetings or individually consulted.

In accord with these understandings, we had convened a meeting of the Correctional Programs Panel for May 15-16, 1975. However, until the problem is satisfactorily resolved it is inappropriate to engage Panelists' busy time in reviewing work and offering us guidance for a future that seems uncertain at best. The May meeting also is being postponed because the Co-Directors must devote their entire energies in attempting to resolve this matter, and are unable to complete the preparation for the meeting as planned.

We had intended to convene the Law and Policies Panel in early 1976, when some of the reports outlined on page 3 of our letter to Mr. Nader would have been ready for review as we moved toward completion of other publications and development of policy recommendations. These plans must now be suspended.

We will do our utmost to save the project and, if at all possible, will try to arrange a final Panel meeting. We shall certainly keep you informed about research activities and related developments—no matter what they may be.

We extend our deep appreciation for your interest, cooperation, and assistance. The value of your goodwill is inestimable.

NATIONAL ASSESSMENT OF JUVENILE CORRECTIONS—NAJC PROJECT PLAN
JULY 1975—JUNE 1976

I. INTRODUCTION AND SPECIFIC AIMS

The National Assessment of Juvenile Corrections is nearing completion of its planned research activities. During the remainder of FY 1975 and throughout FY 1976 all efforts will be concentrated on proceeding with analyses of data, on writing up findings, and on disseminating the emerging comprehensive information to designated audiences, with major emphasis on persons in program planning and on policymakers. Thus in the second year of Phase V (1975-76) the project will continue to carry out objectives determined at the outset of the research: to undertake a comprehensive national study of courts and correctional programs for juvenile offenders in order to establish objective, empirical bases for assessing alternative correctional programs for differing types of juvenile offenders.

This Project Plan will detail activities through June 1976. Efforts to be concluded after that date will be indicated in a separate communication.

Major achievements that will have been completed during FY 1975 are briefly summarized here before FY 1976 plans are detailed. Additional information about FY 1975 activities can be found in Quarterly Progress Reports.

1. The publications on juvenile codes and on jails and detention disseminated to thousands of key people in juvenile justice throughout the country.
2. A feedback of generalized data sent to all correctional units participating in the field study. These data furnished nonconfidential information about both the unit itself and comparable units.
3. The follow-up study and feedback of summarized findings on youth mailed to all offenders who volunteered their names and addresses.
4. A final round of updated information on programs requested from all states to develop a second national census of correctional service units.
5. A revision of the research design statement by the team studying courts.
6. Analysis of data from the mail survey of juvenile courts and from the intensive study of seven courts well under way.
7. A preliminary feedback report dealing with state juvenile corrections agencies distributed ***.
8. A meeting of the Correctional Programs Advisory Panel, with additional representation by Research Panelists and possibly by selected state legislators, with several working documents prepared for the session.
9. The final draft of a first major publication on findings from the field study of correctional programs, with publication expected in early summer.
10. Plans made for completion of all project activities in December 1976, and for final dissemination of project findings and recommendations.

II. PROGRAM IMPACT

NAJC has consistently and persistently been committed to two mutually supporting goals, as reaffirmed in the FY 1975 Project Plan: (1) the collection and interpretation of comprehensive data on the nation's juvenile justice and corrections systems, and (2) the utilization of the collected data in ways that will have broad applicability for program decisions.

The scope of project research has been determined, in large part, by the overwhelming need for comprehensive, comparable national data about most aspects of juvenile justice. NAJC has attempted to generate empirical information in ways that can be helpful to program planners on all levels of the justice system. As the project nears completion of its tasks, primary efforts in each area under study are being concentrated on moving systematically and economically through analyses of the complex data collected in field studies and mail surveys. By adhering to deliberative methods, NAJC expects to ensure, first, that its reports and interpretations are firmly rooted in empirical findings. And, second, that these careful presentations of new and relevant empirical information will be highly useful to persons responsible for establishing standards, for developing programs, and for planning policy.

At the risk of being repetitive, it should be again pointed out that it has been NAJC's intent from the start to maintain a continuous process of feedback and reporting so that it can fulfill its contractual obligations,

to both its respondents and the grantor, while interacting with the world of practice and policy and, subsequently, contributing more practical, applicable knowledge. (See also Section V on Dissemination.)

III. SPECIFIC ONGOING RESEARCH ACTIVITIES

The following sections describe in detail the major areas of research effort and accomplishment for the rest of FY 1975 and as proposed for all of FY 1976.

The study of correctional programs

A series of decisions to determine priorities for analysis among the wealth and variety of collected data are resulting in establishment of a clear format for the FY 1975 publication on correctional programs. In general, the publication will include analyses and descriptions of findings on some or all of the following dimensions.

*** A Typology of Correctional Programs. It is NAJC's goal to delineate a typology that will allow a large proportion of findings about existing programs to be presented coherently. This typology will not only help order much NAJC data, but should also inform and aid correctional personnel, other researchers, and the general public. Much effort will continue to go into this component since it is clear from other research efforts and from public misconceptions that even basic information is difficult to organize into a systematic, sensible whole. The typology may also include a simple, summary description of each program type (perhaps with greater detail about a selected few), and some information about the range of programs within each type. However, it is increasingly clear that one single typology cannot serve as a base for analyzing all data, and perhaps more than one will be employed.

*** A Comparative Description of The Programs. Basic characteristics of the 39 organizations on which we have a full array of data will be analyzed and comparative statistics will be presented. These will include size, auspices, locale, etc.; sociodemographic characteristics of youth offenders, offense histories, length of stay, etc.; and characteristics of the executive. Reliable, pertinent data from additional programs that were studied will be incorporated where appropriate.

*** An Analysis of the Staff. In addition to demographic characteristics, the analysis will examine attitudes of about 1170 staff members toward the youth, the program, stated goals, punishment, etc.

*** An Analysis of the Youth. The experiences in correctional programs of about 1830 youth, and their perceptions of the purposes and values of the programs will be probed. Further, the interaction of youth with youth, and youth with staff, will be analyzed. Since the quality, as well as quantity, of interaction with staff is an important general measure of service delivery, we have sought empirical evidence on this issue.

*** An Analysis of Treatment Technologies. Here we will look at what types of treatment programs were offered (or not offered), what objectives were set for these approaches, what proportions of youth were assigned to treatment programs, what services were reported received by youth, and how the youth assessed the help (or lack of help) provided by these treatment approaches.

Several substantive questions defined in NAJC's initial plans, and underscored by Review Times, Panelists, and other consultants, will also be addressed to emerging programming and policy concerns.

*** Organizational impact is of central concern to any agency mandated to change or help people. Assuming, despite contradictory or poorly defined goals, that something meaningful takes place in correctional programs, we intend to try to determine first what are the official or proposed purposes of the several types of programs under different auspices, and what are the perceived desirable elements; then, how these elements appear to be structured and established in particular organizations; and last, whether systematic patterns can be discerned. Thus, organizational impact will be viewed in terms of the delivery of mandated and desired services.

Using program impact, rather than program outcome, as one basis for analysis should lead to a better understanding of correctional programs as

systematic undertakings—strongly affected by their organizational structures and inputs, which, in turn, have varying impact on those being served—effects far beyond mere control by confinement or mere interaction between the good, free staff and the bad, locked-up youth. Only by understanding how correctional organizations function can areas of poor functioning be identified and recommendations for improved functioning be made.

Program impact will be assessed in terms of recidivism as much as follow-up data permit since none of the programs in the study had available means for determining recidivism rates for their populations.

* * * For this publications, fairness, humaneness, and justice will be assessed across units on the basis of objective evidence about congruence with national goals and standards that embody these concepts. It may be possible to delve deeper into these important issues in a later publication.

* * * Given the size of the data base, it is expected that analysis of some, but not all, of the following topics may be included in the first publication: education, sanctions and control, recreation, youths' preceptions of deprivation, community access, social distance, etc.

The study of juvenile courts

The information NAJO has obtained thus far about the structural patterns and operations of the juvenile court corroborates earlier assumptions that the court plays a critical role in the administration of juvenile justice. It is also apparent from a preliminary review of the data that differing structural patterns and practices of courts produce highly variable consequences. Study of these consequences may well enable us to develop recommendations about how specific court activities could be optimized to the benefit of the court and the youth. The court clearly occupies a central position in the juvenile justice system since it controls the number and character of the population processed into all areas of that system.

Data collection, data processing, and much initial analysis for the court study will be complete by the end of FY 1975. During FY 1976 staff effort will be concentrated on data analysis and preparation of the publications. Two major publications are planned for FY 1976, with the likelihood of incorporating additional material into the National Portrait. The FY 1976 first publication will also serve as a feedback document to participating courts.

NAJO has assumed responsibility for studying three separate but interrelated aspects of the juvenile court.

* * * (1) A mail survey of juvenile courts was conducted based on a random selection of a sample of 400 counties in 50 states. A total of 577 courts with juvenile jurisdiction were identified in these 400 counties, but in most cases only one court served as the primary juvenile court for the county. The mail survey produced an overall response rate slightly above 50 percent at the time of this Reapplication. For those courts in the 16 states used as the sample for correction programs the response rate was 60 percent. Both response rates are considerably above average for mail surveys of this type. Responses were obtained from judges and court administrators, and from intake, detention, and probation staff.

* * * (2) Seven courts were intensively studied in three states. These courts were selected because they showed variations in statutory provisions, referral rates, and organization structure. For this study 139 court personnel were surveyed. In each court, a cohort of 50 cases was identified at intake and these cases were thoroughly examined at two points in time (6 months apart) to determine how court procedures have affected them. Observations of court hearings, a study of detention practices, and a review of court reports and other materials were also included in these field studies. Key community leaders were interviewed to determine their relations with, and views of, the court.

* * * (3) Questionnaires were mailed to state probation staff in eight of the sixteen sample states used in the correctional programs study. The probation survey focuses on the structure and behavior of probation staff who operate within a state agency but have close ties with a local court regarding intake, adjudication, and disposition. Only 8 of the 16 sample states have some level of state administration of probation services. This phase of the

study also concerns the project team analyzing correctional programs, and data are being shared with them.

The publications planned for FY 1976 will include an array of findings in a number of critical areas. It is expected that many, if not all, of the topics in the following summary list will be addressed in these reports: the size and attributes of juvenile populations served; variable patterns of court goals; interorganizational links; structural patterns; staff perspectives and attitudes; diversion and referral patterns, diagnostic services; detention facilities and procedures; procedures for protection of juvenile rights; levels of adherence to statutory provisions in court operations; and dispositional services.

In addition to generating important new knowledge of these patterns, this research also seeks to identify those aspects of court structure and organization that can be optimized to enhance juvenile court processing and service objectives. It is expected that the two planned publications will have considerable value since this is probably the first representative national survey of juvenile courts that will yield comparative analysis. Thus, we hope to address many critical issues: major court characteristics; relations between statutory provisions and operational patterns; levels and extent of court processing and social control of youth; and community leaders' views and expectations about the court. The magnitude of the data collected, and the complexity of many of the issues being confronted, pose serious problems for the team studying courts, but concerted efforts will be made to achieve the objectives set forth. As recommended by a Review Team, a revised research statement will serve to guide the direction and scope of the analyses.

To provide corroboration of data about youth populations and processing procedures, we have sought and obtained from many state sources other data about the courts included in this sample. These data have aided us in getting a measure of the relative reliability of data provided to us by staff of the sample courts.

The study of State justice systems

During the early period of project research, field trips to the sixteen sample states—and reconnaissance trips to numerous others—allowed for the observation and collation of many significant variations among state juvenile justice systems. Many government offices having responsibility for juvenile justice were visited; for example, juvenile corrections agency executives, governors' staffs, directors of state planning agencies, legislators, the judiciary, and local policymakers. Important differences across states immediately became apparent and were carefully identified: structural and financial arrangements, degrees and expressions of public and legislative interest in corrections programs and policies, implementation of nationally recommended standards and goals, and impact of precedent, judicial decisions and guidelines. Some of these early findings, especially those that appeared to be associated with understanding directions of change in juvenile justice policy, have been shared in NAJO conference papers.

As anticipated, the response to these papers and rigorous, informed thought by staff helped further focus the substance and scope of the state justice systems' research. Thus, accumulated knowledge was used to develop a standardized, structured interview schedule, which was administered during 1974 in all fifty states to the chief executives primarily responsible for juvenile corrections. Through their interest and cooperation, we were able to obtain systematic and comparable data about important characteristics and performance indicators for all state juvenile justice systems. Supplemented by a considerable amount of information available from the literature of comparative state policy analyses, the U.S. Census Bureau, and other federal agencies, the data for all fifty states underwent intensive analysis by the middle of FY 1975.

A. Preliminary Report. Analysis of basic data will be emphasized until completion of the preliminary report on State Juvenile Corrections in April 1975 (see Addendum of 21 August 1974). This report is intended to serve as an overview of state juvenile corrections practices and will primarily present basic and comparative information, particularly that most relevant to current issues in program planning, program development, and policymaking.

The report will discuss at length the impact of state governmental, political and socioeconomic characteristics on such developments as incarceration and deinstitutionalization—issues of special interest to NAJO audiences. In particular, we will present basic comparative information about important state corrections agency organizational practices, trends, and arrangements; about funding patterns; and about juvenile justice policy directions.

B. Major Publication. The text of the main publication on State Justice Systems can be expected in early Winter 1976 (See Section V). This publication will expand and elaborate on the data in the preliminary report, and after having taken advantage of feedback and critical responses from state agency officials, policymakers, and researchers, will present NAJO conclusions in its findings. The analysis accomplished to date indicates that the report can include important new information about cost levels associated both with varying mixes of states' correctional programming and with differing sizes (or rates) of young offender populations handled through these programs. Further, new light will be shed on trends in deinstitutionalization and moves toward community-based programming, including cost factors, sources of political, governmental, and public support (or opposition), and the like.

Continuing data collection from the states will contribute to the scope of this publication. We are repeatedly reminded of the need to address important policy questions about desirable balances between federal, state, and county or local-level responsibilities, and about what kinds of relations these levels can result in more effective programs for juvenile offenders. The main publication will, therefore, take advantage of some of the findings to be obtained through studies now underway and continuing into FY 1976 as detailed below.

C. Juvenile Justice Changes. The extensive, comprehensive arrays and analysis of state systems being readied for the major publication provide a necessary and useful foundation for in-depth examination of innovations and changes in state juvenile justice governmental systems. The thrust of the main analysis will allow us to identify particular key factors associated with important directions of planning and change, which will then enable us to develop a series of continua on which to locate change directions among the states.

Policymakers, however, need more specific information if they are to have help in determining policy goals and implementing them more rapidly and efficiently. Therefore, from our large body of information about the states we plan to draw a small subsample of those that represent model juvenile justice locations on the continua (and are also representative of other states in terms of demographic and economic characteristics). Beginning in late FY 1975, the short-term, intensive, on-site research in these subsample states will be focused on the dynamics and processes of state policy development and implementation, and on the strategies employed by governmental leaders, agencies, and interest groups for improving juvenile justice services. Our good relations with state officials and our prior knowledge of their situations will provide informed access. We will also seek to link this information as closely as possible with that previously obtained from correctional programs and courts so that all NAJO data can be enlisted for the National Portrait.

A maximum of six states will be chosen for the subsample, largely if not entirely from NAJO's sixteen-state sample. It is not possible to specify either the exact number or the particular states until the analyses leading to the preliminary report are completed. Since all 50 states have been visited and have furnished NAJO with information, an average total of only 15 man-days will be required for visits to each state in the subsample.

As a result of their field trips to all 50 states, the team studying state justice systems became aware that SPA's are increasingly developing into key components of the states' juvenile justice systems. Although all interviews with juvenile corrections executives included some discussion of their relations with SPA's, tight field schedules permitted interviews with SPA representatives in only a few states. Since the SPA's are responsible for promoting effective juvenile justice systems, it is important for us to better understand their legislative mandates, their critical intermediary and coordinative roles, and their contributions—actual and potential. Therefore, additional information on SPA's will be sought mainly about the following topics: (a) administrative arrangements; (b) patterns of interaction with

other juvenile justice agencies; (c) ranges of juvenile justice activities; (d) planning and priority-setting processes; (e) levels of resource allocations; and (f) responsiveness to national guidelines, priorities, standards, and goals where and as these have been developed or are in effect.

Knowledge gained from this exploration, along with essential parts of the findings from the subsample on-site research, will be available in time to be considered for inclusion in the main publication on state systems. The full analysis of subsample case studies will be completed by Spring 1976, and thus can be included in the projects' National Portrait (or issued as a separate report for restricted dissemination or for appropriate journal publication).

Youth follow-up study

All youth interviewed during the field study of correctional programs were asked if they wished to volunteer their address after release so that NAJO might report back to them on its findings. A large proportion—over 1450—did so. It was then decided, and urged by the Review Team, to include a short follow-up questionnaire that could provide us with confidential information about the following areas:

- (a) The youths' retrospective assessment of the correctional program in which we had interviewed them;
- (b) the youths' views of their social reintegration since release from that correctional program;
- (c) their perceptions of how they are now coping with family, school, job, peer group, etc.
- (d) self-reports of post-release law-violative behavior and contacts with the juvenile justice system; and
- (e) supplementary measures of the reliability of information in the original interview.

Valiant efforts will be made to obtain a high response rate. However, the nature of these respondents, the generally low response rate from mail questionnaires, and the small amount of resources available for this study limit our optimism about probable results. Nevertheless, if we are fortunate in stimulating sufficient responses, the results will provide a further criterion by which to measure program effectiveness, and findings will be incorporated into appropriate NAJO reports.

The recensus of correctional service units

One of NAJO's first major tasks was to develop a universe of correctional service units from which to draw a sample for the field study. This universe, called the Service Unit Census, was compiled in 1972 from responses to a special questionnaire to juvenile corrections agencies in 50 states and from other documentary sources. The Census included critical data about a wide variety of types of programs, ranging from small temporary day care centers to large residential institutions. Some of this information was reported in NAJO's 1973 Sampling publication.

Since the initial Census, the information has been regularly amended and added to. Questionnaires were re-sent to all the states during FY 1974; field research teams collected new information in the 16 sample states; verification of information and new data on funding sources were gathered in 50 states by the team studying state justice systems, and secondary sources were repeatedly examined for pertinent information.

NAJO has constructed a unique catalogue of correctional programs—one capable of continuation by other researchers or national information agencies. Further, NAJO has an opportunity to view the beginnings, changes, modifications, closings, etc., of a representation of programs over time and across the nation. Therefore, a thorough recheck and update has already begun and will be completed before Fall 1975. Systematic measures will be completed before Fall 1975. Systematic measures will be used, and modifications gained from experience will be incorporated.

The completed Recensus will provide a wealth of longitudinal data that will be very useful for NAJO reports, especially for the National Portrait. Hopefully, it will also contribute to further knowledge about the relative prevalence and degree of permanence of various program types, the ratio of minority populations in different kinds of programs, and baseline cost figures.

Cross-project coordination, cooperation, and exchanges

1. During the past year, as in earlier phases of the project, close communication and cooperative relationships have been maintained with other juvenile corrections research efforts funded by the Institute. These include the Juvenile Justice Standards Project, the Massachusetts study of deinstitutionalization, the projected Illinois study of alternatives to incarceration, the Phase I study of youth service bureaus, and the Research Center of the National Council of Juvenile Court Judges.

These relationships involved frequent consultation and discussion; sharing of instruments and other materials; critiques of statements; etc., as requested by them or us. Sharing with the Juvenile Justice Standards Project was extensive this year, and we were regularly consulted by their reporters or staff on specific topics.

Consultation with other juvenile justice organizations, such as the Children's Defense Fund, the National Training Center of NCCD in Tuscon, and the Boys Town Youth Development Center in Omaha, increased during this past year. They sought assistance from our research experience and, in turn, they gave us counsel and assistance.

2. This project has had as one of its original objectives the generation of knowledge for wide application to criminal justice and youth development agencies. In accord with this objective, NAJC has been responsive to the thousands of requests that have been received for its reports, design strategies, and so forth. At least half of the names in the National Registry have been obtained from requests submitted to NAJC. The other half were selected from among those directly participating in various aspects of the research.

Over the past year more than 100 researchers have contacted and/or visited NAJC to obtain various types of information about research or juvenile corrections. Cooperation has been extended as far as project resources and noninterference with regular activities permitted. These researchers are associated with national, state, and local agencies, both public and private.

NAJC has also been in contact with researchers engaged in cross-national research from this country and in other countries. For example, meetings have been arranged with the research staff at Rutgers that is coordinating a cross-national study of juvenile delinquency and corrections in 12 urbanized countries. Consultations were also given to two other important cross-national studies: Dr. Alfred Kahn's Cross-National Studies of Social Service Systems at Columbia University, and to the Department of the Solicitor General, for new juvenile justice research being considered by the Government of Canada.

Dr. Vinter has continued his association with the Jamaican government regarding planning and staff development in corrections in this nation. He was invited to participate and serve as a discussant at the first multinational juvenile justice planning conference to launch the United Nations/World Health Organization study, but permission for foreign travel was refused by the Department of Justice. Dr. Vinter concluded his advisory role with the study of juvenile justice and mental health, sponsored by the National Institute of Mental Health and conducted by Arthur D. Little, Inc., when that project's final report was issued.

NAJC has benefited greatly from the variety of consultations with social scientists, correctional administrators, judicial officials, and legislators. In FY 1976 such consultations will continue, especially in regard to publications on state justice systems, juvenile courts, and correctional programs, in accord with recommendations made by Institute Review Teams.

3. A large number of requests have already been received from many sources for use of one or more of NAJC instruments. Until data were preliminarily analyzed, the project has operated on the policy of no distribution of instruments to other than researchers directly related to this project.

All the instruments will become available to interested social researchers and evaluators during FY 1977. If possible, some brief information will also then be provided about the context and procedures for utilization and analysis. Funding for such distribution has been planned for inclusion in the Post-FY 1976 budget.

4. All NAJC data have been reduced for computer storage and will be prepared on computer tape in FY 1977 to be made available through the Insti-

tute to other researchers. These data will include three types of nonconfidential information about the correctional programs: staff questionnaire responses, youth questionnaire responses, and correctional service unit questionnaire responses. For the juvenile court and state and local probation staff questionnaires, a separate data tape will be prepared. A similar tape will be prepared for the state justice systems information, and perhaps also for the National Portrait data.

5. Independent evaluation by Advisory Panels has been considered crucial to the success of NAJC efforts since the project's inception. Establishment of these Panels was a joint decision of the grantor and NAJC, and members originally agreed to serve with the expectation that they would have ample opportunity to meet together to share ideas about research developments. The problems of cost and the pressures of work have prevented us from having as many Panels meetings as had been desired. Members have been kept informed as much as possible by means of Quarterly Progress Reports and regular publications. Because of our long-standing obligation to reconvene at least two of the Panels, we are pleased that the Correctional Programs Panel will be called together in late Spring 1975, as projected and budgeted. At that meeting, the second and last opportunity for these Panelists to interact with project staff and each other, available results from all lines of research will be reviewed and evaluated by Panelists; and their guidance will be sought on possible refinements of analysis, additional uses of data, and priority issues related to program planning and policy development. Their suggestions can then be reflected in NAJC's final publications scheduled for next year.

Similarly, this FY 1976 Reapplication incorporates a second and final meeting in Spring 1976 of the Law and Policies Panel; this meeting was postponed from FY 1975 at the Institute's request. The members of this Panel, most whom are influential in the area of policy implementation, should be able to provide expert evaluation of finished work, informed guidelines about final publications—particularly the National Portrait, and advice about how findings can best be presented for those planning policy and facing its dilemmas.

It has been decided that it will be more economical to invite a few selected state legislators—if feasible—to both Panel meetings than to set up a special Panel of these key lawmakers. In addition, it is our intent, as suggested by the Review Team, to invite still other members of the Research Panel to attend one or the other of the last two Panel meetings.

IV. REPORTS AND PUBLICATIONS

1. "First tier" commitments

Brief summary feedbacks of limited but crucial data that were guaranteed to participants as recompense for cooperation and access will have been sent by 30 June 1975 to the sample correction programs, to all juvenile offenders in the study who gave home addresses, and to juvenile justice officials in the 50 states. As noted before, written feedback planned for juvenile court respondents and cooperating groups will be subsumed into the integrated publications on the mail survey and on the intensive court study (see below). In addition, to fulfill a formal agreement with the National Association of Juvenile Court Judges, which officially cooperated with the mail survey, several members of the research team plan a verbal report of findings during FY 1976 to the national organization at their headquarters in Reno, Nevada.

2. "Second tier" commitments for fiscal year 1976

As was carefully pointed out in the FY 1975 Reapplication Plan, most feedback documents contain little or no analysis or interpretation and thus constitute only one component of our dissemination responsibilities and commitments. Each main area of project research has produced extensive amounts of important data, and NAJC's consistent plan for a series of analytical, interpretive publications will complete its obligations to participants and will meet its "second tier" commitments to the large audiences it has made contact with. Further, these "second tier" dissemination networks have been developed with great care over the life of the project as an original grant stipulation to serve the needs of the Institute as well as the project.

In this section we present publication and other reporting plans for FY 1976, and will note those that will extend into FY 1977. An outline will also be included for clarification.

A. Publications. It should be stated at the outset that the publications described here are concordant with those communicated to the Institute, at its request, in the NAJC "Outline of Reports—Post FY 1975," dated 6 September 1974. As was noted in the conveyance letter, definitive decisions about specific contents and exact numbers of publications are subject to project research priorities and resources, and data analysis results. However, it should be clear that the publications indicated here correspond preeminently with those in the "Outline"; and, further, that modifications result from proximity to more up-to-date judgements. Publications will be listed here in the expected order of completion; numbers in brackets indicate referent number in the 6 September 1974 "Outline."

1. Integrated Publication on Mail Survey of Juvenile Courts [2]. Given the large amount of data, it has been decided to separate the presentations of mail survey and intensive court study findings. To economize, the preliminary "first tier" feedback to judges and court personnel will be incorporated into an integrated major publication. The focus, intended primary audiences, and data parameters will approximate those indicated in the "Outline," except for parameters specific to the intensive court study. This publication will concentrate on organizational patterns of juvenile courts, staff perspectives and behavior reports, and due process practices. It will thus provide an overview of court structures and staff and youth characteristics. Estimated completion: Fall 1975.

2. State Juvenile Justice Systems and Policies [3]. Plans for this publication conform in general with those indicated in the "Outline." Estimated completion: Early Winter 1976.

3. Court Intensive Study [2]. The intensive study report will focus on court dynamics. It will include findings on case characteristics, processing techniques, decision-making patterns, and interorganizational relations. The total number of the intended primary audiences will be less than that for the mail survey, but the range will be similar. The data parameters will include processing and service technologies, referral patterns, interorganizational relations, staff and youth characteristics, and community leaders' perspectives on court performance and roles. Estimated completion: Winter 1976.

4. Corectional Programs for Juvenile Offenders [1]. Since the data collected in this area were so extensive, this publication will present major topics not adequately or sufficiently dealt with in the FY 1975 integrated report. The focus, intended primary audiences, and data parameters will approximate those indicated in the "Outline." Evaluation of the first publication by Panelists and intended audiences will be reflected in later decisions about the scope and nature of this publication. Estimated completion: Late Spring 1976.

5. Juvenile Justice: A National View [4]. A minimum of one publication on the state and patterns of American juvenile justice through the mid-70's is planned before project termination. Final determination of contents and scope is premature at this point. However, it is expected that, based on empirical findings from all major research activities, it may be desirable to consider using other media forms in addition to a publication—or possibly a two volume issuance. So much valuable information has been collected by NAJC that final decisions about final publication(s) will require thorough reevaluation during FY 1976. Estimated completion: Post-FY 1976.

The following chart recapitulates the foregoing discussion.

Publication topic	Referent No. in "outline"	Estimated number of copies	Estimated completion date
Integrated report on mail survey of juvenile courts.....	2	6,000	Fall 1975.
Main report on State juvenile justice systems.....	3	6,000	Early winter 1976.
Report on court intensive study.....	2	4,000	Winter 1976.
Additional report on correctional programs for juvenile offenders.....	1	6,000	Late spring 1976.
Juvenile justice: A national view.....	4		Post fiscal year 1976.

B. Other Reports. We recognize that other means will need to be pursued to handle potential uses of NAJC data. These may include some or all of the following measures.

1. (a) Photocopied short papers for special occasions and smaller audiences; for example, the report to the UN Conference in Montreal in late Summer 1975. (b) Photocopied summaries of particular, well-defined results of research; for example, the review of SPA's the Recensus, the Follow-up study. A limited sum is included in the budget for such papers.

2. Own expense route. This mechanism may be used in two ways: (a) arranging with commercial publishing houses for nonroyalty sales, at cost, of contracted papers; and (b) arranging with juvenile and criminal justice professional journals or with other journals for publication of articles or chapters developed from NAJC data. These articles would be authored by senior staff and would be credited to the support of the Institute and LEAA.

No specific decisions have been made as yet about how best to proceed with the latter two options. However, the Institute has previously suggested such mechanisms as possible alternatives.

UNITED STATES DEPARTMENT OF JUSTICE,
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION,
Washington, D.C., April 24, 1975.

Dr. ROBERT D. VINTER,
National Assessment of Juvenile Corrections Project,
Ann Arbor, Mich.

DEAR DR. VINTER: This letter is in response to your letter of April 9, 1975 regarding our decision to limit support to the NAJC project to \$350,000 during Fiscal Year 1976. We have reviewed your arguments and remain firm in our determination that no additional funds can be spared for this effort. Although LEAA will receive additional funds for juvenile delinquency research and action projects during Fiscal Year 1976, our current projections of needs and resources do not allow for additional amounts to be allocated from that year's funds to the NAJC effort. We nonetheless believe that the major NAJC project objectives can be achieved at this reduced level of funding.

If you would like to meet with us, prior to resubmitting your application at the reduced level of funding, to discuss which activities will be carried on and which will be terminated or reduced in scope, we will be glad to do so.

FREDERICK P. NADER,
Acting Assistant Administrator, Juvenile
Justice and Delinquency Prevention
Operations Task Group.

NATIONAL ASSESSMENT OF JUVENILE CORRECTIONS,
THE UNIVERSITY OF MICHIGAN,
Ann Arbor, Mich., April 24, 1975.

Mr. JOHN Rector,
Chief Counsel, Senate Subcommittee on Juvenile Delinquency,
U.S. Senate Annex,
Washington, D.C.

DEAR JOHN: Enclosed is the packet of material which we prepared documenting various LEAA and Justice Department Statements regarding support for juvenile delinquency programs and research. It seems to us that detailed questioning about past allocation of delinquency funds is warranted as are questions about future planning in this area. We expect to be able to send you some specific questions tomorrow from our examination of other documents and reports.

We appreciate your assistance and counsel. Completion of the NAJC project as originally planned should provide substantial information for current evaluation and future planning. As I told you, we have not received any reply from LEAA in response to our letter to Fred Nader except for a brief note from Gerald Caplan, a copy of which is enclosed. Therefore, it seems

quite appropriate to ask questions about NAJC in the Hearings as we discussed today.

Sincerely yours,

[Enclosure].

ROSEMARY C. SARRI, *Professor and Co-Director.*

U.S. DEPARTMENT OF JUSTICE,
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION,
Washington, D.O., April 11, 1975.

Professor ROBERT D. VINTER,
Professor ROSEMARY C. SARRI,
*National Assessment of Juvenile Corrections, The University of Michigan,
Ann Arbor, Mich.*

DEAR PROFESSORS VINTER and SARRI: Thank you for sending me a copy of your letter of April 9 concerning the proposed reduction in your budget for next year. As you know, I have not participated in this decision in any way as decisionmaking on all Juvenile Justice projects is now exclusively the function of the Juvenile Justice and Delinquency Prevention Task Group.

I hope that a satisfactory resolution of your concerns can be achieved.

Sincerely,

GERALD M. CAPLAN,
Director.

DOCUMENTATION OF LEAA/NILECJ STATEMENTS ABOUT THE NATIONAL ASSESSMENT OF JUVENILE CORRECTIONS

(In chronological order—excerpts attached)

- A. The 3rd Annual Report of the Law Enforcement Assistance Administration (FY 1971).
- B. Hearings before the Senate Subcommittee to Investigate Juvenile Delinquency on S. 1428, a bill to establish an Institute for continuing studies of juvenile justice. Testimony of Ruby Yaryan (January 24, 1972).
- C. The 4th Annual Report of the Law Enforcement Assistance Administration (FY 1972).
- D. Hearings before the Senate Subcommittee to Investigate Juvenile Delinquency. Testimony of Richard Velde (June 27, 1973).
- E. The LEAA Newsletter (September-October 1973).
- F. The 5th Annual Report of the Law Enforcement Assistance Administration (FY 1973).
- G. The Report of the Interdepartmental Council to Coordinate All Federal Juvenile Delinquency Programs (FY 1973).
- H. The Annual Report of the Attorney General of the United States (FY 1973).
- I. Hearings before the House Subcommittee on Equal Opportunities. Testimony of Charles Work (May 2, 1974).
- J. The First Annual Report of the National Institute of Law Enforcement and Criminal Justice (FY 1974).

II. DOCUMENTATION OF LEAA STATEMENTS

- A. The 3rd Annual Report of the Law Enforcement Assistance Administration (FY 1971).
 1. NAJC is mentioned in the section on correctional research of the National Institute. The project is described as "a major study [which] will assess the relative value of alternative correctional programs for different types of delinquents and youthful offenders."
 2. NAJC is mentioned in the appendix listing National Institute grants as a "national evaluation of various correctional programs for juveniles."
- B. Hearings before the Senate Subcommittee to Investigate Juvenile Delinquency on S. 1428, a bill "to establish an Institute for continuing studies of juvenile justice" (January 24, 1972). Ruby Yaryan and Thomas Madden (now LEAA General Counsel) testified against the proposed Juvenile Institute on the grounds that it would duplicate activities of the National Institute. Among the juvenile justice projects cited as proof of NILECJ's involvement in juvenile delinquency research is NAJC. The project is described

as "evaluating the effectiveness of juvenile corrections programs across the country" and as "developing minimum performance standards for corrections personnel."

C. 4th Annual Report of the Law Enforcement Assistance Administration (FY 1972).

1. This citation of NAJC appears under the heading "Significant FY 72 Programs." The project is described as "seeking to develop guidelines for correctional administrators, suggesting treatment methods for various types of juvenile offenders that are most successful."

2. NAJC is also mentioned in the chapter on "Priorities for Research and Development" of the National Institute of Law Enforcement and Criminal Justice. Description:

"NAJC is studying the relative effectiveness of various correction programs * * * The project will develop guidelines * * * concerning the types of programs which should be available to treat juveniles, the types of offenders most likely to benefit from each form of treatment, and the methods of treatment, which appear most ineffective."

D. Hearings before the Senate Subcommittee to Investigate Juvenile Delinquency (June 27, 1973) on the Juvenile Justice and Delinquency Prevention Act (S. 821). Administrator Velde testified in favor of placing the new office in LEAA.

1. NAJC was mentioned by Velde as one of LEAA's projects in juvenile rehabilitation. It is described as "designed to show which programs work best with juvenile offenders."

2. In his letter to Velde (July 11, 1973), in a question that had to do specifically with program evaluation, Birch Bayh mentioned that Velde cited NAJC as "working to find out what programs work best with juvenile offenders."

E. The September-October 1973 issue of the LEAA Newsletter. Inserted in the Newsletter is a report from the National Institute on research in the area of corrections.

1. NAJC is mentioned in the chapter on "Correctional Intervention Approaches," where it is described as "developing objective bases for assessing the relative effectiveness of alternative programs for different types of offenders."

2. In the same publication, under the heading of "Current Research," appears a rather long description of NAJC. The project is described as "a five year, national survey and evaluation of juvenile corrections" study.

F. The 5th Annual Report of the Law Enforcement Assistance Administration (FY 1973).

1. NAJC is cited under the heading "A Sampling of FY 1973 Projects," which includes "some of the significant projects." The project is described as "research to discover the most effective treatment for juveniles."

2. This citation is in the chapter on the National Institute. NAJC is described as "developing objective bases for assessing the relative effectiveness of alternative programs for different types of delinquents."

3. In the same chapter, on the National Institute, under the heading of "Evaluation" appears a third citation of NAJC. It is described as "a project that stands out as being primarily concerned with providing information on program effectiveness."

G. The Report of the Interdepartmental Council to Coordinate All Federal Juvenile Delinquency Programs (FY 1973). In the chapter on the Department of Justice, NAJC is at the top of the list of juvenile delinquency projects funded by the National Institute. The project is described as "developing objective bases for assessing relative effectiveness [etc.]"

H. The Annual Report of the Attorney General of the United States (FY 1973). The project is cited in the chapter on the National Institute of Law Enforcement and Criminal Justice (under LEAA). NAJC is described as "a five-year study * * * [that] is expected to have a significant impact on programs for youthful offenders."

I. Hearings before the House Subcommittee on Equal Opportunities (May 2, 1974) on Juvenile Justice and Delinquency Prevention and Runway Youth. Deputy Administrator Charles Work testified in favor of placing the new office in LEAA. NAJC is among the juvenile justice activities cited by Work

as evidence of LEAA's commitment in this area. "[NAJC] will provide empirical bases for evaluating the effectiveness of juvenile corrections programs."

J. The First Annual Report of the National Institute of Law Enforcement and Criminal Justice (FY 1974).

1. NAJC is mentioned in the chapter on "Juvenile Delinquency." It is described as "a 5-year effort to gather information about juvenile corrections."

2. The project is also mentioned in the appendix listing National Institute grants. NAJC is described as "establishing bases for assessing alternative correctional programs, and developing recommendations."

A. THE 3RD ANNUAL REPORT OF THE LAW ENFORCEMENT ASSISTANCE ADMINISTRATION (FISCAL YEAR 1971)

CORRECTIONS

Under the impetus of the LEAA program, states and localities throughout the nation have begun placing major new emphasis on improving all aspects of the corrections system.

In FY 1971 the Institute's program in correctional research concentrated on a series of projects to evaluate existing programs and to set standards and to develop more effective ways to rehabilitate offenders.

System standards. The Institute has initiated several projects to establish performance measures for evaluating the effectiveness of various components of the correctional system. A major study started this year (NI 71-079) will assess the relative value of alternative correctional programs for different types of delinquents and youthful offenders. It is anticipated that this project will have a major impact on the development of policies and programs for handling offender groups throughout the country.

NI 71-079-G-\$257,377. From 4/15/71 to 6/30/72

Title—A National Assessment of Juvenile and Youth Correctional Programs. Grantee—The Regents of the University of Michigan, Ann Arbor.

Director—R. D. Vinter and R. C. Sarri, School of Social Work, The University of Michigan, Ann Arbor, Michigan 48104.

Abstract—This grant covers two initial phases of an estimated five-year comprehensive national evaluation of various corrections programs for juveniles. The overall aim of this research is to help develop nationwide policies and programs for treating juvenile delinquents and youthful offenders. The grantee will formulate objective, empirical baseline data in order to assess the relative effectiveness of alternative rehabilitative programs for different types of young offenders. Both Federal and state programs will be studied; and all regions of the United States, as well as a representative sampling of the states, will be included.

B. HEARINGS BEFORE THE SENATE SUBCOMMITTEE TO INVESTIGATE JUVENILE DELINQUENCY ON S. 1428, A BILL TO ESTABLISH AN INSTITUTE FOR CONTINUING STUDIES OF JUVENILE JUSTICE. TESTIMONY OF RUBY VARYAN (JANUARY 24, 1972)

In addition to collecting and disseminating information from existing sources, LEAA is supporting original research, which is aimed at preventing delinquency and rehabilitating youthful offenders, as well as upgrading the component parts of the juvenile justice system. These projects are supported through the National Institute of Law Enforcement and Criminal Justice, the research and development arm of LEAA and the Justice Department.

One large research project is aimed at improving the effectiveness, efficiency and the fairness of society's methods of dealing with children in trouble across the country. This juvenile justice standards project is being conducted by the Institute of Judicial Administration of the New York University School of Law.

Another research project, being conducted at the University of Michigan, is evaluating the effectiveness of juvenile corrections programs across the

country. One major objective of this study will be the development of minimum performance standards for corrections personnel who work with juvenile offenders. Once minimum standards have been developed empirically, it will be possible to develop more effective training programs, so that juvenile corrections personnel will be able to function at a higher level of competence.

C. THE 4TH ANNUAL REPORT OF THE LAW ENFORCEMENT ASSISTANCE ADMINISTRATION (FISCAL YEAR 1972)

JUVENILE DELINQUENCY

More than \$120 million in fiscal year 1972 funds supported projects to prevent and control juvenile delinquency—including block action grants to States, discretionary funding and technical assistance, and research and development.

Principal areas of funding activity were:

	Million
Diversions	\$21
Rehabilitation	41
Upgrading resources	33
Drug control	18
High Impact juvenile delinquency programs	8

Projects included: comprehensive youth services programs, which include recreation, education, job training and referral services, special probation and aftercare treatment for young offenders. In addition, LEAA funds supported special training for police officers and other criminal justice personnel who deal with youngsters.

(Summaries of State and local projects organized under the above activity areas, with funding amounts by budget category, are available in a separate LEAA publication.¹)

As part of their overall crime reduction efforts, the Impact cities are emphasizing programs to rehabilitate young offenders charged with burglary or street crimes. Each city's programs are covered in chapter 4.

Fiscal 1972 funds also financed research projects to study juvenile corrections programs.

The National Assessment of Juvenile Corrections, conducted by the University of Michigan, is a nation-wide study of probation, institutional and community-based treatment alternatives. It seeks to develop guidelines for correctional administrators, suggesting the treatment methods for various types of juvenile offenders which are most successful.

Another research project is evaluating the effectiveness of a Massachusetts program which closed all standard juvenile detention facilities in the State and replaced them with community-based rehabilitation centers. The Harvard Law School Center for Criminal Justice is conducting the study in an effort to determine the most effective treatment alternatives to incarceration.

The Institute's Statistics Division recently conducted a Juvenile Detention and Correction Facility Survey, which provides data on the physical characteristics of juvenile institutions throughout the country.

CRIMINAL BEHAVIOR AND INTERVENTION IN CRIMINAL CAREERS

Because traditional correctional practices have been largely ineffective in rehabilitating offenders, the National Institute gave priority attention in 1972 to research into patterns of criminal behavior and methods for intervening in criminal careers to offer constructive alternatives. The Institute supported projects to develop and test less restrictive confinement methods and more effective use of community-based treatment programs.

Other Institute-supported projects studied ways to improve classification of criminal behavior. More accurate classification, experts believe, will lead to sounder decisions about the offender throughout the criminal justice process: More effective screening, more constructive treatment techniques and fewer institutional commitments.

¹ Law Enforcement Assistance Administration Juvenile Delinquency Project Summaries For Fiscal Year 1972, U.S. Government Printing Office: 1973 514-409/150, 1-3.

During the past fiscal year, classification and intervention research focused on three key areas: Juvenile correctional practices, adult correctional practices, and drug-related criminal careers.

Juvenile corrections. Two of the most significant offender intervention projects deal with juvenile criminal careers.

The National Assessment of Juvenile Corrections, conducted by the University of Michigan, is studying the relative effectiveness of various correctional programs—probation, institutional, and community-based—on different types of juvenile offenders throughout the country. Based on their findings, the project will develop guidelines for correctional administrators concerning the types of programs which should be available to treat juveniles, the types of offenders most likely to benefit from each form of treatment, and the methods of treatment which appear most ineffective.

D. HEARINGS BEFORE THE SENATE SUBCOMMITTEE TO INVESTIGATE JUVENILE DELINQUENCY. TESTIMONY OF RICHARD VELDE (JUNE 27, 1973)

An important research study funded by LEAA, "National Assessment of Juvenile Corrections," is underway in 42 counties in 16 States. The study included 10 juvenile courts, 5 detention units, 15 probation units, 15 local intensive community programs, 15 institutions, and 6 halfway houses. This research is designed to show which programs work best with juvenile offenders. We expect results should be of value to State officials.

The portion of LEAA's juvenile delinquency program called upgrading resources includes construction, personnel recruitment, and training, with funding of nearly \$33 million in fiscal year 1972.

E. In your testimony, you cited the National Assessment Study of Juvenile Corrections as working to find out what programs work best with juvenile offenders. You do not, however, mention any systematic, uniform evaluation of ongoing programs.

What evaluation is performed at the Federal, state and local levels to insure that ineffective programs are not refunded?

2. What is the nature of any substantive review of proposed juvenile delinquency programs prior to their original funding?

E. THE LEAA NEWSLETTER, (SEPT.-OCT. 1973)

INTERVENTION APPROACHES FOR JUVENILES

The National Assessment of Juvenile Corrections is one such study. A five-year national survey, it is being conducted by the University of Michigan under Institute grants. Its extensive findings are expected to have a major impact on policy and program development for youthful offenders. The project emphasizes the development of objective bases for assessing the relative effectiveness of alternative programs for different types of delinquents. It will provide systematic, comparative descriptions of juvenile legal code provisions, corrections service units, and both new and traditional programs, including their distribution and cost where feasible. Federal, State, and private programs from different regions of the country will be studied. (A comparable assessment of adult corrections, also national in scope, is now being developed at the Institute.)

FIVE YEAR NATIONAL STUDY OF JUVENILE CORRECTIONS

Grant Title: National Assessment Study of Juvenile and Youth Correctional Programs.

Grant No.: 72-NI-99-0014-G, 72-NI-99-0010, NI-71-079-G.

Grantee: The Regents of the University of Michigan, Drs. Robert Vinter and Rosemary Sarri, Project Directors, The University of Michigan, Ann Arbor, Michigan.

This five year, national survey and evaluation of juvenile corrections programs is part of the Institute's efforts to confirm the effectiveness of action programs. Its aim is to produce extensive findings on all aspects of juvenile corrections, to establish objective bases for measuring the effectiveness of alternative programs for different types of delinquents, and to develop policy recommendations for program design, allocation of resources, state and national planning, legislative action, and statutory revision.

Systematic and comparative descriptions are now being prepared of juvenile legal code provisions, corrections service units, and both new and traditional programs throughout the nation. An investigation of juvenile offender career patterns, the inventory and classification of corrections service units, the coding and classification of selected provisions of juvenile codes for all 50 states, and the development of a sample for selection of field sites have been completed.

Federal, State and private programs are being studied and all regions of the country are included in the sample. Currently, an intensive two year study has begun in 16 states, concentrating on 42 counties within those states. Later, these programs will be restudied to observe the results of changes and for follow-up information on the delinquents' institutional and post-institutional careers.

The research results should be of major interest to all those involved in juvenile corrections programs, administration, or planning. The extensive lists of juvenile correctional service units can be made available to other researchers interested in cross-national studies. While the project will not be completed until 1976, the "Research Design Statement" and "Sampling Plans and Results" have been published by the grantee. Reports of 1) a comparative analysis of juvenile codes, 2) jailing of children, 3) institutionalization of children, and 4) a preliminary report on pretrial court diversion projects for juveniles are expected within the year.

F. THE 5TH ANNUAL REPORT OF THE LAW ENFORCEMENT ASSISTANCE ADMINISTRATION. (FISCAL YEAR 1973)

JUVENILE DELINQUENCY

Among the approaches to juvenile delinquency control emphasized at the State and local level are:

Youth service bureaus which provide a wide range of services to delinquents and troubled youths to divert them from the criminal justice system.

Community-based rehabilitation programs for young offenders which offer vocational, educational, and recreational opportunities.

Group and foster homes which help young people to resolve conflicts and to return to their own homes.

Specialized training for police officers and other criminal justice personnel who work with juveniles.

Research to discover the most effective treatment programs for juveniles was supported by LEAA's National Institute of Law Enforcement and Criminal Justice.

One major research study is underway in 42 counties in 16 States. The national assessment of juvenile corrections is studying 10 juvenile courts, 5 detention units, 15 probation units, 15 local intensive community programs, 15 juvenile institutions and 6 halfway houses. Results of the 5-year study should be of great value to State officials.

The project will provide systematic, comparative descriptions of juvenile legal code provisions, corrections service units, and both new and traditional programs, including their distribution and costs.

The Institute also is financing an evaluation of the Massachusetts program which closed all large juvenile institutions and replaced them with community-based treatment centers. Some 400 juveniles will be interviewed and observed.

Research funds were also awarded for a juvenile justice standards project which will develop and implement legal and administrative standards to enhance the effectiveness and fairness of the juvenile justice system.

The Institute also is supporting evaluation of California's Youth Service Bureaus to see if they can divert significant numbers of young people from

the juvenile justice system and whether they can use existing community resources more effectively. The project is compiling and analyzing arrest, disposition and probation intake statistics. Referral policies and coordination of juvenile cases and delinquency prevention programs are being studied. The researchers also are consulting with Youth Service Bureaus which are planning to conduct additional evaluations of their own programs.

Intervention approaches for juveniles

Much of the Institute's intervention work to date has concentrated upon juveniles because the age at which an individual is incarcerated has been isolated as the most predictive factor in a continuing criminal career. The earlier the initial incarceration, the higher the probability of continued criminal activity.

A 5-year national survey by the University of Michigan is expected to have a major impact on policy and program development for youthful offenders. The project, National Assessment of Juvenile Corrections, emphasizes development of objective bases for assessing relative effectiveness of alternative programs for different type of delinquents. It will provide systematic, comparative descriptions of juvenile legal code provisions, corrections service units, and both new and traditional programs, including their distribution and cost where feasible. Federal, State, and private programs from various parts of the country will be studied. A comparable assessment of adult corrections is being considered by the Institute.

EVALUATION

Demands for evaluative research information increased dramatically throughout the criminal justice community in 1973. They fell basically into two needs:

1. Information concerning results of evaluations: The need to know what works and what factors contribute to success.
2. Information on the process of evaluation itself: How is an evaluation study designed, what performance measures are most useful, how can an evaluation system be developed which will insure maximum utilization of the results?

Responding to increased demand in both these categories of interest, the Institute expanded its evaluation activities during the year and plans even greater expansion in the future. These are some of the major programs now underway:

Institute research

The research function assesses and tests effectiveness of existing and proposed crime reduction projects and strategies. In one sense, the Institute's entire program can be viewed in that light, since every project has an evaluative aspect to it. In the five major Institute plan components, however, some projects stand out as being primarily concerned with providing information on program effectiveness. Thus the New York study on architectural design to improve residential security showed that physical modifications to housing projects did effect an actual reduction in crime. The comprehensive 5-year survey of juvenile corrections programs will have a major impact in development of policies and programs for handling juvenile offenders. The technology transfer program to develop prescriptive packages in selected areas of criminal justice administration involves evaluation of current research and program experience.

The main objective of evaluations like those described above is to measure the degree of success achieved by the project or program. This information will lead to identification of workable strategies for attacking law enforcement and criminal justice problems; these strategies continue to be the subject of dissemination and technology transfer efforts. But a valuable secondary result of these evaluations will be the identification and dissemination of those evaluative techniques which prove most appropriate.

G. THE REPORT OF THE INTERDEPARTMENTAL COUNCIL TO COORDINATE ALL FEDERAL JUVENILE DELINQUENCY PROGRAMS (FISCAL YEAR 1973)

NATIONAL INSTITUTE OF LAW ENFORCEMENT AND CRIMINAL JUSTICE

The National Institute of Law Enforcement and Criminal Justice (NILECJ) has responsibility for LEAA's research program, which is designed to support the overall goal of reducing crime and delinquency and improving the quality of justice. Much of the Institute's work to date has concentrated upon juveniles, because the age at which an individual becomes involved with the criminal justice system has been isolated as a predictive factor in a continuing criminal career.

In fiscal year 1973, several major projects in the juvenile delinquency area were funded by the Institute. A 5-year national survey by the University of Michigan is expected to have an important impact on policy and program development for youthful offenders. The project, National Assessment of Juvenile Corrections, emphasizes development of objective bases for assessing relative effectiveness of alternative programs for different types of delinquents. It will provide systematic, comparative descriptions of juvenile legal code provisions, corrections service units, and both new and traditional programs, including their distribution and cost where feasible. Federal, State, and private programs from various parts of the country are being studied.

H. THE ANNUAL REPORT OF THE ATTORNEY GENERAL OF THE UNITED STATES (FISCAL YEAR 1973)

The National Assessment of Juvenile Corrections—a five-year study by the University of Michigan—is expected to have a significant impact on programs for youthful offenders. In addition, under an Institute grant, the Harvard Center for Criminal Justice is evaluating the Massachusetts program which closed all large correctional facilities for youths in favor of small, community-based settings.

Several Institute studies focused on drug abuse offenders. A five-year study—Evaluation of the Effects of Methadone Treatment on Crime and Criminal Addicts—is providing information on the type of addict offender for whom methadone maintenance can be effective. The Vera Institute of Justice is conducting the study in the Bedford-Stuyvesant area of New York City to measure the effects of methadone treatment on reducing criminal activity by addicts.

Two of their recent studies analyzed changes in criminal behavior of addicts in the program for one and two-year periods. The studies revealed an over-all decline in the crime rate during the initial treatment year which continued for patients remaining during the second year. However, major differences in criminal behavior were observed among different age groups. Patients over 30 showed substantial reduction in property crimes but retained the level of illegal drug behavior after entering the program as before. Younger patients decreased illegal drug use but slightly increased their rate of property crimes.

I. HEARINGS BEFORE THE HOUSE SUBCOMMITTEE ON EQUAL OPPORTUNITIES. TESTIMONY OF CHARLES WORK (MAY 2, 1974)

REHABILITATION

Rehabilitation projects took the largest share of LEAA's juvenile delinquency money—\$40.8 million in fiscal year 1972. Nearly three-fourths—or almost \$30 million—was allocated for community-based treatment programs.

A major LEAA-financed program involves research on the phasing out of juvenile institutions in Massachusetts. They have been replaced by community-based programs—for example, group homes, foster homes, and other services which are provided for youth on a large-scale purchase-of-service basis. Research is being conducted comparing the effectiveness of these alternatives to the incarcerative facilities. This is an important research effort as it is the

only large-scale evaluation of the development of community-based alternatives to incarceration of juveniles. The results of this research will have nationwide implication.

Another important research study funded by LEAA—"A National Assessment of Juvenile Corrections"—is under way in all 50 states. This project will develop a nationwide portrait of juvenile corrections, including an analysis of the juvenile codes of the 50 states and state juvenile justice systems. A sample of 16 states is being intensively studied, within which approximately 70 correctional units were selected for detailed analysis. These include 10 juvenile courts, 5 detention units, 15 probation department, 15 local intensive community-based programs, 15 institutions, and 6 halfway houses. This research will provide empirical bases for evaluating the effectiveness of juvenile corrections programs.

J. THE FIRST ANNUAL REPORT OF THE NATIONAL INSTITUTE OF LAW ENFORCEMENT AND CRIMINAL JUSTICE (FISCAL YEAR 1974). p. 16

National assessment of juvenile corrections. The University of Michigan School of Social Work is engaged in a 5-year effort to gather information about juvenile corrections. The study—now in its fourth year—includes a national portrait of juvenile corrections as reflected in court statistics, census figures, and the like; an analysis of juvenile codes in each State; a study of juvenile courts throughout the country; and a study of the juvenile justice system as it operates in each State.

One of these components—Juvenile Delinquency: A Comparative Analysis of Legal Codes in the United States—is now available. This analysis of the legal codes, in effect as of January 1972, indicates considerable variation in procedures for handling juveniles, inadequate safeguards of juveniles' constitutional rights, significant variations in juvenile court structures, and a lack of explicit protection against misuse of juvenile records. Many States, for example, do not guarantee a probable cause hearing before sending juveniles to criminal court; in all but five States, juveniles may be placed in adult jails. The majority of States give probation officers the same arrest powers as police officers. Despite the general assumption that delinquents' records are automatically expunged, in most States the judge's power to do so is discretionary rather than mandatory.

The final report in 1976 will provide a wealth of information about juvenile corrections in the U.S. Fiscal 1974 funds committed to this project amounted to \$791,000.

JUVENILE DELINQUENCY

75-NI-99-0010.

Title: *National Assessment of Juvenile Corrections* (from 7/1/74 to 6/30/75).

Grantee: The Regents of the University of Michigan, Ann Arbor, Michigan.

Award: \$791,057.

Project Directors: Dr. Robert Vinter and Dr. Rosemary Sarri, 2008 Administration Bldg., The University of Michigan, Ann Arbor, Michigan 48104.

This project is establishing bases for assessing alternative correctional programs, and developing policy recommendations.

NATIONAL ASSESSMENT OF JUVENILE CORRECTIONS,
THE UNIVERSITY OF MICHIGAN,
Ann Arbor, Mich., April 29, 1975.

Mr. JOHN RECTOR,
Chief Counsel, Senate Subcommittee on Juvenile Delinquency,
Washington, D.C.

DEAR JOHN: Enclosed is a copy of Fred Nader's recent reply to our defense of NAJC's last full year of support, denying reconsideration of the merits of the 50% cut LEAA intends to impose.

Although LEAA expects to receive supplemental juvenile justice funding this year, and additional funds for Fiscal 1976, it still asserts this will not be enough to replace NAJC's cut of \$348,000 during FY 1975 and FY 1976. Ironically, LEAA's anticipation of new funds for juvenile justice, passage of the Juvenile Justice Act of 1974 (P.L. 93-415), and renewed priority for evalu-

ation research in this field, all serve as grounds for the decision to cut NAJC in half during its last full year of research analysis and reporting. No rationale is offered for aborting NAJC's planned completion and reporting of its extensive national research findings, or for squandering the \$2.2 million already invested by LEAA in this work. LEAA offers no concrete plans for expenditure of new juvenile justice research funds, no refutation of the value of NAJC's contributions and productivity, and no explanation of why NAJC's final work is not essential to any new research and action activities.

The \$348,000 to be cut is an insignificant fraction of LEAA's total funding for juvenile justice, but absolutely essential for NAJC's completion. Sums as large and greater are being allocated for surveys or evaluation in areas where NAJC has already obtained the data and is preparing it for publication, and even larger sums will be devoted to these efforts in the future. Each LEAA report on juvenile justice (e.g., *Children in Custody*, *Deinstitutionalization of Status Offender*) draws directly on NAJC findings and cites these. And most of LEAA's newly funded and continuing juvenile projects are invited to turn to NAJC for national baseline data and assistance—as they do, and which we provide. Yet NAJC is now to be denied the support necessary to complete its own analyses and final publications.

We are totally mystified by LEAA's position on this matter, especially since it was reached without any contact with NAJC, without any warning, and despite four years of formal, public assurances that this national research would be supported to completion. We are equally mystified about how choices can be made among all of NAJC's data and reports deserving publication, and how the total disappearance of the remainder of NAJC's work can be justified or explained.

Your interest is greatly appreciated and we welcome any suggestions or guidance you can offer.

Sincerely yours,

ROSEMARY C. SARRI,
Professor and Project Co-Director.

[Enclosure.]

UNITED STATES DEPARTMENT OF JUSTICE,
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION,
Washington, D.C., April 24, 1975.

Dr. ROBERT D. VINTER,
National Assessment of Juvenile Corrections Project,
Ann Arbor, Mich.

DEAR DR. VINTER: This letter is in response to your letter of April 9, 1975 regarding our decision to limit support to the NAJC project to \$350,000 during Fiscal Year 1976. We have reviewed your arguments and remain firm in our determination that no additional funds can be spared for this effort. Although LEAA will receive additional funds for juvenile delinquency research and action projects during Fiscal Year 1976, our current projections of needs and resources do not allow for additional amounts to be allocated from that year's funds to the NAJC effort. We nonetheless believe that the major NAJC project objectives can be achieved at this reduced level of funding.

If you would like to meet with us, prior to resubmitting your application at the reduced level of funding, to discuss which activities will be carried on and which will be terminated or reduced in scope, we will be glad to do so.

Sincerely,

FREDERICK P. NADER,
Acting Assistant Administrator, Juvenile Justice
and Delinquency Prevention Operations Task
Group

NATIONAL COUNCIL OF ORGANIZATIONS FOR CHILDREN
AND YOUTH

Washington, D.C., November 4, 1975.

To: Members of NCOCY Youth Development Cluster.
From: Sheri Kaplan Papish.
Re: Enclosed materials.

The enclosed materials elaborate ways that voluntary and private organizations can impact implementation of the Juvenile Justice and Delinquency

Prevention Act of 1974 (also referred to as JJDP). These guidelines will serve as a point of departure, assisting you in the examination of your State and local juvenile justice system and in participation in policy formulation and implementation. Since these materials focus on ways that State and local groups can become involved in implementation of the JJDP, we urge national organizations belonging to the NCOCY Youth Development Cluster to pass this information on to their State and local affiliates and chapters.

These guidelines were prepared by Sheri Kaplan Papish of NCOCY and Mark Thennes of National Youth Alternatives project (NYAP). Portions of the following material are drawn from a booklet published by NYAP in August 1975.

If you have any questions or require additional information, feel free to contact the NCOCY office at (202) 785-4180. Also, please let the NCOCY office know if, and how, you were able to utilize this material.

HOW TO IMPACT IMPLEMENTATION OF THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT, NOVEMBER 1975

I. INTRODUCTION

A recent law—the Juvenile Justice and Delinquency Prevention Act of 1974—is the most significant piece of youth legislation of the past 20 years, and probably the next 5. If a State chooses to participate in the JJDP, the State must provide that status offenders be placed in shelter facilities within 2 years after submission of its plan. A State must also provide that detained youth charged with delinquency acts cannot have "regular contact" with incarcerated adults. If a State selects to participate in the JJDP, the State planning agency (SPA) must create a 21-33 member juvenile justice advisory group with one-third of its members under the age of 26. States are in various stages in creating their juvenile justice advisory groups.

This booklet will explain how to impact the appointment of your State juvenile justice advisory group if members to the advisory group have not yet been named. This material will also suggest how to make input into the State comprehensive juvenile justice plan which is due at the LEAA regional office by December 31, 1975.

Your SPA put down on paper its juvenile justice priorities in a plan entitled comprehensive criminal justice plan which was due September 30, 1975. You are entitled to see this document. This plan will serve as an excellent point of departure for you to make input into the comprehensive juvenile justice plan due December 31, 1975.

II. HOW TO AFFECT NOMINATIONS TO YOUR STATE JUVENILE JUSTICE ADVISORY GROUP

A. Function

The juvenile justice advisory group has the power of project review. When the advisory group reviews the comprehensive juvenile justice plan, it will define and clarify the meaning of project review for the future. The advisory group will also establish criteria for consumer and community participation in the planning operation and evaluation of their programs.

B. Composition

According to the JJDP, the juvenile justice advisory group is to be comprised of:

1. 21-33 persons who have "training, experience, or special knowledge of prevention and treatment of juvenile delinquency of the administration of justice";
2. representation of local government, law enforcement, corrections or probation, juvenile or family court judges, public agencies;
3. representation of private agencies concerned with delinquency prevention or treatment; the quality of juvenile justice, education, or social services for children; neglected or dependent children; which utilize volunteers to work with delinquents or potential delinquents; community based delinquency prevention or treatment;
4. majority of whose members shall not be full time employees of Federal, State or local government (10 of 21, 16 of 33 members);
5. at least one third are to be under age 26 at time of appointment.

Assuming all of the possible slots to government employees are used and go to persons over age 26, the advisory group would be: 21 persons—10 Government, 7 youth, 4 others; 33 persons—16 Government, 11 youth, 6 others.

C. How to influence appointments to your state juvenile justice advisory group

1. Determine where your own State is in the development of its juvenile justice advisory group. Study the following lists to determine where your State is in this process. If information for your State is not listed or if you want to obtain the most recent up-to-date information, contact your State planning agency (see appendix A) or your Governor's office.

2. States not participating in JJDP: Alabama, Colorado, Kansas, Oklahoma, Oregon, Rhode Island, Utah, West Virginia, and Wyoming.

State whose participation in JJDP is questionable: Arizona.

States in which process of appointing advisory group is well underway: Illinois, Iowa, Massachusetts, Michigan, and Vermont.

States with advisory group already named and appointed: Florida and Tennessee.

3. When you call the State planning agency (SPA) or Governor's office, ask how the appointments will be made and the types of balance (minority, sexual, age, geographic) they are seeking.

4. A strategy used by task forces of youth services in some States to strengthen their nominations is to include sympathetic juvenile court judges and probation people, thereby making recommendations for every seat.

A Michigan Task Force decided to submit 50 nominations, including: (a) 10 names to represent law enforcement/corrections, probation/courts; (b) 15 names to represent public agencies involved with delinquency; and (c) 25 names to represent private agencies and citizens.

The Michigan task force also recommended that one third of the advisory group must be under age 26 including youth under the age of 18. The 25 names were to include juvenile and adult exoffenders, juveniles presently under control of the juvenile justice system, and may include businessmen and women as well as parents of offenders.

The following is an excerpt from the letter that went out to youth services in Massachusetts after a one-day workshop there:

"We are looking for three groups of people from other agencies and community or juvenile justice officials. Look for their ability to speak articulately, willingness to say what they believe and stick to it, and willingness to put in about 5 hours per month in sometimes boring but important meetings. Above all, look for an orientation that puts the needs and interests of kids above those of the juvenile justice system.

Considering the present trends, the advisory board will probably be 40 percent female and 20 percent minority. Keeping all these characteristics in mind is difficult. Governor Dukakis will be making the final decision, not us. It is, however, worthwhile to be aware of them so we don't end up submitting an all white male list of potential advisory board members."

5. Submit your recommendations to the Governor as soon as possible if the process has not yet begun. Nominations should also be sent to the appropriate SPA staff and the contact in the Governor's office. Endorsement of the nominations should be sought from your organization's board members, your organization's staff, and other organizations.

D. Selecting youth for state juvenile justice advisory group

Meaningful youth participation in policy making is a difficult goal to realize. The youth members of the advisory groups will be in the kind of active and responsible roles that young people generally are not accustomed to assuming. This raises some issues of concern.

Selecting youth for the advisory groups.—There is no one formula for selecting a young person who will be "perfect" for the advisory group. It is important to remember that youth members will have much expected of them. They will be "playing the game" with experienced professionals such as police, court personnel, bureaucrats. The person you nominate as a youth member should be able to articulate his or her ideas. The person ought to be one with self-confidence in order not to be intimidated easily. Although the youth member may not understand what is going on, she or he should not be afraid to ask. She or he ought to be able to conceptualize ideas. Be realistic.

tic—the job of youth members is going to take time. Youth members may not be reimbursed for travel and food expenses incurred attending advisory group and subcommittee meetings.

Personal support system—If the youth member you nominate is approved, it is important to support the person's work on the advisory group. You might offer clerical support. You might schedule regular meetings with the person. Be ready to respond to levels of frustration and impatience. Seek out supportive adults on the committees. You might do some skills sharing with the person—skills in communication, problem solving, decisionmaking, conflict management, assertiveness skills, group skills, etc. Such skill sharing should help young people feel more comfortable in the "foreign environment" of the advisory group and subcommittee meetings.

Other concerns—Often youth who sit on commissions such as the advisory group feel the burden of representing all youth. The struggle of "Whom do I represent?" can be very draining. It takes time for the youth member to realize that she or he only represents her or himself but can advocate for other youth.

Expect that youth members may have problems dealing with Government and social work jargon. Nothing is more intimidating than walking into a room and finding people speaking another language. You can be supportive in helping youth members to learn the ropes of the game.

Watch for youth members being excluded from the informal communication networks that become established within the advisory group. Because they may not be seen as "responsible" and because they may be regarded as politically powerless, youth members may not be included in the informal friendship groups through which much of the advisory group's business will be conducted. It is important that you be supportive of youth members for these reasons.

III. HOW TO IMPACT YOUR STATE JUVENILE JUSTICE ADVISORY GROUP AFTER IT IS FORMED

It is important that you establish and maintain contact with your State advisory group after it is formed since this group has the power of project review and will also develop criteria for consumer and community participation. The advisory group must review the comprehensive juvenile justice plan before it is submitted to your LEAA regional office by December 31, 1975.

IV. HOW TO MAKE INPUT INTO THE COMPREHENSIVE JUVENILE JUSTICE PLAN

A. The comprehensive justice plan

This plan will serve as excellent background material. This document, which was due September 30, 1975, outlines the goals, priorities, and budget for juvenile justice in your State. This plan tells you what your State has already set as juvenile justice goals and priorities. This plan will assist you in making valuable input into the comprehensive juvenile justice plan which is due December 31, 1975.

B. Plan supplement document

This plan which was due August 1, 1975, reveals your State's intention to implement the Juvenile Justice and Delinquency Prevention Act.

NOTE—Because of the time restraints, you may not have time to examine either of the two documents mentioned above. If you examine any of the material, we recommend that you examine the first—the comprehensive justice plan. The information contained in the plan supplement did not turn out to be as substantial as we originally anticipated.

C. The comprehensive juvenile justice plan

1. It is suggested that private agencies wishing to make input into this plan call the State planning agency director in order to become involved.

2. This plan will contain a statement of priorities related to your State's efforts to implement the JJDP.

3. Some States have set up various mechanisms in order to obtain public and private input into this plan. For example, the state of Illinois held hearings throughout the State and received testimony from both public and private agencies who stated the juvenile justice needs in their particular areas. This information was then compiled by a computer. It has been indicated that

the state of New York may hold one general hearing on its plan before it is submitted to the SPA Director. Florida created an advisory group to its State Juvenile Justice Advisory Group. After creating a 32-member advisory group, a resource staff of 30 community persons was established.

D. What you need to know/questions to ask when you contact the SPA director

1. What are the SPA director's intentions to maximize utilization of private agencies? How has the SPA director solicited input from private agencies?

2. How can you become involved and make input into the plan?

3. Who is the SPA juvenile justice planner?

NOTE—The SPA director may, after the initial contact, request that you make all inquiries to the SPA juvenile justice person if that person has been named. Thus these questions may be directed to the juvenile justice person rather than to the SPA director.

The importance of personal contact in dealings with the SPA system cannot be overemphasized. Personal contact is the best way to let people know who you are and to find out who they are. Regular meetings with the SPA juvenile justice planner should be scheduled.

4. Request to receive a written list of the State juvenile justice advisory group (including names and addresses of members) when it is named.

5. What is the SPA director's current thinking regarding State juvenile justice priorities?

6. Examine appendix B closely. The first two columns of funds are those your State will receive under JJDP. The third column lists the funds just appropriated to your State under Safe Streets Act.

NOTE—Approximately 18 percent of the funds in column 3 is spent on juvenile justice (this represents the national average).

Request from the SPA director an explanation of the programmatic relationship between the funds and columns 1-2 and those in column 3. How will the programs funded under column 3 related to those programs funded under columns 1-2? Will some priorities apply to both?

7. Ask to see a draft of the comprehensive juvenile justice plan. The draft document, however, may not be available until mid or late December. Examine it closely to ascertain compliance with JJDP.

8. Attend the December SPA commission meeting if possible. At this meeting the comprehensive juvenile justice plan will be considered and approved. If you are unable to attend the meeting, obtain copies of the minutes.

You should attend SPA meetings or obtain copies of the minutes. There will be turnover in this group, and new appointments will need to be made. If a juvenile justice representative leaves, you might make recommendations for replacements.

9. **Freedom of information**—In pursuing your advocacy role, you will need to obtain a significant amount of information from the SPA itself. You are entitled by law to receive most of this information. The Freedom of Information Act is a Federal law that requires various Government agencies to make available to the public information and documents concerning their activities. LEAA at both the Federal and State levels is covered by the act.

V. COALITION BUILDING

If you wish to communicate and work with others in your locality who are involved in implementing JJDP, contact Mark Thennes at National Youth Alternatives project at (202) 785-0764. At the present time NYAP has limited information concerning this but hopes to have more extensive information shortly concerning coalitions on community and State levels for juvenile justice advocacy.

If your State or local affiliate and chapters are working on or intend to become involved in juvenile justice issues, please contact the NCOCY office. In that way we will be able to facilitate the development of coalitions by linking juvenile justice advocates with one another.

APPENDIX A.—DIRECTORS OF STATE PLANNING AGENCIES

Alabama

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Alaska

Larry S. Parker, executive director, Governor's Commission on the Administration of Justice, Pouch AJ, Juneau, Alaska 99801. Phone: (907) 465-3535.

Arizona

Albert N. Brown, executive director, Arizona State Justice Planning Agency, Continental Plaza Building, 5119 North 19th Avenue, Suite M, Phoenix, Ariz. 85015. Phone: (602) 271-5466.

Arkansas

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California

Douglas Cunningham, executive director, Office of Criminal Justice Planning, 7171 Bowling Drive, Sacramento, Calif. 95823. Phone: (916) 445-9156.

Colorado

Paul G. Quinn, executive director, Division of Criminal Justice, Department of Local Affairs, 328 State Service Building, 1525 Sherman, Denver, Colo. 80203. Phone: (303) 892-3331.

Connecticut

Mary Hennessey, executive director, Planning Committee on Criminal Administration, 75 Elm Street, Hartford, Conn. 06115. Phone: (203) 566-3020.

Delaware

Norma V. Handloff, director, Delaware Agency to Reduce Crime, Room 405, Central YMCA, 11th and Washington Streets, Wilmington, Del. 19801. Phone: (302) 571-3430.

District of Columbia

M. Brent Oldham, executive director, Office of Criminal Justice Plans and Analysis, Munsey Building, Suite 200, 1329 E Street N.W., Washington, D.C. 20004. Phone: (202) 629-5063.

Florida

Charles Davoli, bureau chief, Bureau of Criminal Justice Planning and Assistance, Bryant Building, 620 South Meridian Street, Tallahassee, Fla. 32304. Phone: (904) 488-6001.

Georgia

Jim Higdon, administrator, State Crime Commission, Suite 306, 1430 West Peachtree Street, N.W., Atlanta, Ga. 30309. Phone: (404) 656-3825.

Hawaii

Dr. Irwin Tanaka, director, State Law Enforcement and Juvenile Delinquency Planning Agency, 1010 Richards Street, Kamamalu Building, Room 412, Honolulu, Hawaii 96813. Phone: (808) 548-4572.

Idaho

Robert C. Arneson, director, Law Enforcement Planning Commission, State House, Annex No. 3, Boise, Idaho 83707. Phone: (208) 384-2364.

Illinois

Dr. David Fogel, executive director, Illinois Law Enforcement Commission, 120 South Riverside Plaza, Chicago, Ill. 60606. Phone: (312) 454-1560.

Indiana

Frank A. Jessup, executive director, Indiana Criminal Justice Planning Agency, 215 North Senate, Indianapolis, Ind. 46202. Phone: (317) 633-4773.

Iowa

Charles Larson, acting executive director, Iowa Crime Commission, 3125 Douglas Avenue, Des Moines, Iowa 50310. Phone: (515) 281-3241.

Kansas

Adrian Farver, director, Governor's Commission on Criminal Administration, 535 Kansas Avenue, 10th Floor, Topeka, Kan. 66603. Phone: (913) 296-3066.

Kentucky

Kenneth E. Brandenburgh, administrator, Executive Office of Staff Services, Department of Justice, 209 St. Clair Street, Third Floor, Frankfort, Ky. 40601. Phone: (502) 564-6710.

Louisiana

Wingate M. White, executive director, Louisiana Commission on Law Enforcement and Administration of Criminal Justice, Room 615, Wooddale Boulevard, Baton Rouge, La. 70806. Phone: (504) 389-7178.

Maine

John B. Leet, executive director, Maine Law Enforcement Planning and Assistance Agency, 295 Water Street, Augusta, Me. 04330. Phone: (207) 289-3361.

Maryland

Richard C. Wertz, executive director, Governor's Commission on Law Enforcement and Administration of Justice, Executive Plaza One, Suite 302, Cockeysville, Md. 21030. Phone: (301) 666-9610.

Massachusetts

Robert J. Kane, executive director, Committee on Criminal Justice, 80 Boylston Street, Boston, Mass. 02116. Phone: (617) 727-5497.

Michigan

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Minnesota

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Mississippi

William Grissett, executive director, Mississippi Criminal Justice Planning Division, Office of Governor, Suite 200, Watkins Building, 510 George Street, Jackson, Miss. 39201. Phone: (601) 354-6591.

Missouri

Jay Sondhi, executive director, Missouri Law Enforcement Assistance Council, P.O. Box 1041, Jefferson City, Mo. 65101. Phone: (814) 751-3432.

Montana

Michael Lavin, executive director, Board of Crime Control, 1336 Helena Avenue, Helena, Mont. 59601. Phone: (406) 449-3604.

Nebraska

Harris R. Owens, executive director, Nebraska Commission on Law Enforcement and Criminal Justice, State Capitol Building, Lincoln, Neb. 68509. Phone: (402) 471-2194.

Nevada

James Barrett, director, Commission on Crime, Delinquency and Correction, State Capitol, 1209 Johnson Street, Carson City, Nev. 89701. Phone: (702) 885-4405.

New Hampshire

Roger J. Crowley, director, Governor's Commission on Crime and Delinquency, 169 Manchester Street, Concord, N.H. 03301. Phone: (603) 271-3601.

New Jersey

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New Mexico

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New York

Morton Grusky, acting administrator, State of New York Division of Criminal Justice Services, 270 Broadway, Eighth Floor, New York, N.Y. 10007. Phone: (212) 488-4868.

North Carolina

Donald R. Nichols, administrator, North Carolina Department of Natural and Economic Resources, Law and Order Division, P.O. Box 27687, Raleigh, N.C. 27611. Phone: (919) 829-7974.

North Dakota

Robert Holte, executive director, North Dakota Combined Law Enforcement Council, Box B, Bismark, N.D. 58501. Phone: (701) 224-2594.

Ohio

Bennett J. Cooper, deputy director, Administration of Justice Division, 30 East Broad Street, 26th Floor, Columbus, Ohio 43215. Phone: (614) 466-7610.

Oklahoma

Donald D. Bown, director, Oklahoma Crime Commission, 3033 North Walnut, Oklahoma City, Okla. 73105. Phone: (405) 521-2821.

Oregon

Robert D. Houser, administrator, Executive Department, Law Enforcement Council, 2001 Front Street, N.E., Salem, Ore. 97310. Phone: (503) 378-4347.

Pennsylvania

Charles Morn, deputy director, Governor's Justice Commission, Department of Justice, P.O. Box 1167, Federal Square Station, Harrisburg, Pa. 17120. Phone: (717) 787-2042.

Puerto Rico

Dionisio A. Manzano, director, Puerto Rico Crime Commission, G.P.O. Box 1256, Hato Rey, Puerto Rico 00936. Phone: (809) 783-0398.

Rhode Island

Bradford E. Southworth, executive director, Governor's Committee on Crime, Delinquency and Criminal Administration, 197 Tounton Avenue, East Providence, R.I. 02907. Phone: (401) 277-2620.

South Carolina

Lee M. Thomas, executive director, Office of Criminal Justice Programs, Edgar A. Brown State Office Building, 1205 Pendleton Street, Columbia, S.C. Phone: (803) 758-3573.

South Dakota

Randolph J. Seller, director, South Dakota State Criminal Justice Commission, 118 West Capitol, Pierre, S.D. 57501. Phone: (605) 224-3665.

Tennessee

Harry Mansfield, director, Tennessee Law Enforcement Planning Agency, Suite 205, Capitol Hill Building, 301 Seventh Avenue, North, Nashville, Tenn. 37219. Phone: (615) 741-3521.

Texas

Robert Flowers, executive director, Criminal Justice Council, Executive Department, P.O. Box 1828, 411 West 13th Street, Austin, Tex. 78701. Phone: (512) 475-4444.

Utah

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Vermont

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Virginia

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Washington

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West Virginia

Gerald S. White, executive director, Governor's Committee on Crime, Delinquency and Correction, Morris Square, Suite 321, 1212 Lewis Street, Charleston, W. Va. 25301. Phone: (304) 348-8814.

Wisconsin

Charles M. Hill, Sr., executive director, Wisconsin Council on Criminal Justice, 122 West Washington Avenue, Madison, Wis. 53702. Phone: (608) 266-3323.

Wyoming

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APPENDIX B—JJDP and LEAA FUNDING

[Thousands]

State	Population	Fiscal year 1975 JJDP State allocations	Fiscal year 1976 JJDP State allocations ¹	Fiscal year 1976 LEAA State allocations ²
Alabama.....	3,546	231	422	9,624
Alaska.....	330	215	200	752
Arizona.....	2,073	216	237	5,634
Arkansas.....	2,035	217	225	5,521
California.....	20,652	368	2,280	56,085
Colorado.....	2,468	220	276	6,702
Connecticut.....	3,080	226	348	8,364
Delaware.....	573	215	200	1,556
District of Columbia.....	734	215	200	1,993
Florida.....	7,745	254	756	21,032
Georgia.....	4,818	242	573	13,083
Hawaii.....	841	215	200	2,283
Idaho.....	776	215	200	2,104
Illinois.....	11,176	296	1,300	30,334
Indiana.....	5,304	247	631	14,404
Iowa.....	2,863	225	334	7,775
Kansas.....	2,264	219	250	6,144
Kentucky.....	3,328	228	384	9,036
Louisiana.....	5,746	235	478	10,174
Maine.....	1,039	215	200	2,822
Maryland.....	4,074	235	480	11,063
Massachusetts.....	5,799	238	643	15,748
Michigan.....	9,061	283	1,104	24,601
Minnesota.....	3,890	235	470	10,463
Mississippi.....	2,317	221	290	6,292
Missouri.....	4,768	239	533	12,948
Montana.....	730	215	200	1,983
Nebraska.....	1,533	215	200	4,163
Nevada.....	551	215	200	1,491
New Hampshire.....	794	215	200	2,151
New Jersey.....	7,325	261	828	14,844
New Mexico.....	1,099	215	200	2,984
New York.....	18,214	348	1,994	49,464
North Carolina.....	5,302	245	605	14,398
North Dakota.....	635	215	200	1,724
Ohio.....	10,743	295	1,270	29,174
Oklahoma.....	2,669	221	290	7,244
Oregon.....	2,219	218	240	6,026
Pennsylvania.....	11,862	298	1,303	32,212
Rhode Island.....	967	215	200	2,626
South Carolina.....	2,724	224	329	7,398
South Dakota.....	682	215	200	1,851
Tennessee.....	4,095	234	458	12,972
Texas.....	11,828	302	1,402	32,120
Utah.....	1,150	215	200	3,123
Vermont.....	1,466	215	200	1,266
Virginia.....	4,844	240	535	13,155
Washington.....	3,431	229	394	9,311
West Virginia.....	1,788	215	219	4,856
Wisconsin.....	4,539	240	541	12,321
Wyoming.....	353	215	200	958

¹ This figure is an estimate based on an appropriation of \$40 million for the JJDP. The figure includes only funds appropriated for July 1, 1975 to June 30, 1976; it does not include "5th Quarter" spending.

² This figure is an estimate based on an appropriation of \$769 million for LEAA (not including JJDP). The figure includes funds from the "5th Quarter" and represents spending from July 1, 1975 to September 30, 1976.

PREPARED STATEMENT OF HON. THOMAS F. RAILSBACK

U.S. REPRESENTATIVE FROM THE 10TH DISTRICT OF THE STATE OF ILLINOIS

FUNDING IMPERATIVE TO IMPLEMENT NEW JUVENILE JUSTICE ACT

Mr. Chairman, members of the subcommittee, I very much appreciate being given the opportunity to express some of my feelings with regard to the implementation of the Juvenile Justice and Delinquency Prevention Act of 1974. As you know, I have been especially concerned with the problem of juvenile crime since I have been in Congress, and was most pleased that my proposal for a national juvenile justice information and training center was incorporated into this legislation.

At the onset, I would like to congratulate you, Mr. Chairman, and other members of this subcommittee for your perseverance in assuring an appropriate Federal response to the tragic problem of juvenile delinquency. These oversight hearings are exemplary of this determination.

Those of us in Congress who have worked closely in the area of juvenile justice are acutely aware that past Federal efforts in implementing juvenile delinquent legislation were largely a disappointment. The HEW program was restricted by inadequate appropriations and its effectiveness was further limited by a lack of coordination with other Federal programs affecting juvenile delinquency, notably LEAA's.

The 1974 Juvenile Justice Act should be considered as a landmark piece of legislation in the criminal justice field. Not only is it a reaffirmation of congressional intent that there should be specific legislation relating to juvenile crime, but it also represents a restructuring of programing directed to alleviate some of the past difficulties of administration. Further, the legislation is far more comprehensive than earlier acts, incorporating modern concepts for effective treatment and control as conditions for assistance and establishing new programs to cope with current aspects of the juvenile delinquency problem, such as runaway youths.

No matter how well legislation is designed or how much support it has, it becomes impotent without appropriations—this is the crux of the problem with the implementation of the Juvenile Justice Act. When President Ford signed the measure he expressed his concern regarding the impact that the appropriations authorized therein would have on the Federal budget during times which called for budgetary restraint. The financial condition of this Nation has not improved and the President subsequently in his budget message did not request any moneys for the act for fiscal year 1976 beyond \$5 million for the runaway youth program. I don't think any of us here would argue that the Government must cut spending, but I contend that the juvenile delinquency assistance program should not be obliterated by this goal.

Crime is one of the most serious threats to our national welfare today, and it is obvious statistically that juveniles have been and are disproportionately responsible for offenses. Furthermore, they are the age group most likely to repeat offenses. In 1973, the latest year for which data are available, persons under 21 accounted for over 60 percent of total arrests for serious crimes; persons under 18 accounted for 45 percent of these arrests. These percentages are not unique to 1973, but are representative of juvenile involvement in crime since we have been gathering these statistics. Although these data are alarming in themselves, statistics indicating the trend in youth crime in recent years are perhaps more significant to policy makers. For instance, FBI arrest statistics show critical increases in the involvement of persons under 18 in violent crimes. During the period 1960-1973, there was a 247 percent increase in arrests in juveniles for murder, forcible rape, robbery and aggravated assault, while arrests of adults for these crimes during the same period rose 109 percent. From 1968 through 1973 juvenile arrests for crimes of violence rose 53 percent while adult arrests rose 41 percent.

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After an extensive study of crime in America, President Johnson's Commission on Law Enforcement and the Administration of Justice concluded that, "America's best hope for reducing crime is to reduce juvenile delinquency and youth crime." Partially in reaction to this conclusion, the 90th Congress passed the Juvenile Delinquency Prevention and Control Act as a major Federal program to provide financial assistance to the States and localities to cope with youth crime. It is interesting to note that the same Congress passed the Omnibus Crime Control and Safe Streets Act to provide similar assistance for general crime control. I believe that this indicated the intent of the Congress that juvenile crime was a problem of such magnitude that it merited the attention and support through a program that was separate and distinct from the general crime control program of LEAA. Unfortunately, in implementing this, distinction was lost when the ever increasing power and affluence of the LEAA program dwarfed the HEW program. LEAA became the major agency responsible for funding juvenile delinquency projects although its attentions and funding priorities were spread over the myriad of elements in the entire criminal justice system requiring reforms.

In the 93d Congress the vast majority of members supported the Juvenile Justice and Delinquency Prevention Act reaffirming that juvenile delinquency had to have the attention of a separate and distinct program from LEAA's for effective Federal action. Our current situation with the lack of appropriations for this program means that juvenile delinquency assistance is in the same position it has been in for the last 3 years. The only reassurance we have is that the level of funding can get no worse due to the requirement in the Juvenile Justice Act that LEAA retain its 1972 funding level for juvenile programs.

Recently released FBI statistics indicate that serious crime rose 17 percent in 1974—the largest increase in 14 years. LEAA Administrator Richard Velde stated that a major contributing factor to this rise, "despite our efforts," is increased juvenile crime. To me, this indicates that "our efforts" have not been enough as far as juvenile delinquency is concerned.

It is encouraging that LEAA has taken certain actions since the Juvenile Justice Act was passed to comply with its responsibilities under the act's provisions. The request for reprogramming unused LEAA appropriations into its discretionary fund for use in juvenile programs was certainly a positive step but unfortunately it was vetoed by the Office of Management and Budget. Since that time \$8.5 million of the existing discretionary moneys were established for assistance in the development of programs for the diversion of juvenile status offenders from correctional facilities and jails. This diversion is a requirement for funding under the Juvenile Justice Act, and, I might add, if it is accomplished on a broad scale it could possibly save juvenile justice systems over a billion dollars.

With the lack of administration support for Juvenile Justice Act appropriations, it would be easy for us to place the onus for the failure of the program on the executive branch. However, the power of the purse still belongs to Congress and we are ultimately responsible for seeing that the programs we enact have the proper funding. I believe that we cannot afford to keep this program stagnant any longer, and urge my colleagues to support appropriation requests to get it started.

Thank you.

PREPARED STATEMENT OF MARK THENNES

NATIONAL YOUTH ALTERNATIVES PROJECT

The Senate Subcommittee To Investigate Juvenile Delinquency has long been aware of the problems and needs of the juvenile justice system. There is no need to reiterate the tragedies of that system here. Rather this statement will attempt to report some of the experiences and issues of the implementation of the Juvenile Justice and Delinquency Prevention Act (JJJPA) at the State and local levels.

This report excludes the implementation of title III, the Runaway Youth Act. The Office of Youth Development, HEW's designated administrator of title III, has already distributed guidelines for grant applications to runaway services, as it continues its rapid implementation of title III.

National Youth Alternatives Project (NYAP) is a nonprofit organization dedicated to the development of a variety of human care services, particularly those which include client participation in the design and provision of service. NYAP provides several services, including: 1. the Youth Alternatives Clearinghouse; 2. mobilizing alternative services to impact public policy; 3. staff support to the National Network of Runaway and Youth Services and, 4. the preparation and distribution of various publications designed to aid youth workers in alternative human care services.

In October of 1974, NYAP embarked on a project to assist locally controlled youth services in impacting the implementation of the JJJPA in their States. With limited resources, NYAP is providing assistance to interested centers and persons. Initially, 12 States have been targeted for special impact: Oregon, Colorado, Texas, Minnesota, Illinois, Michigan, Ohio, Massachusetts, Connecticut, Maryland, Virginia, and Florida.

The NYAP Juvenile Justice Project has focused on six points of impact on the implementation of the JJJPA:

1. Representation on the State Planning Agency—Sec 542.
2. Representation on Regional Planning Units—Sec 542.
3. Youth Representation on Advisory Groups—Sec 223(a)3E.
4. Private Representation on Advisory Groups—Sec 223(a)3C.
5. Private Agency Input to State Plans—Sec 223(a)3.
6. Local Government Input to State Plans—Sec 223(a)4.

The Appendix of this statement, "Juvenile Justice and Delinquency Prevention Act: Some Guides for Impacting Its Implementation Locally," contains an outline and examples of successful strategies youth services have employed for these six points. To our knowledge, this is the only document of its kind.

This approach to the JJJPA proceeds from two assumptions:

1. This act is the major piece of youth service legislation of the last 20 years, and the next 5;
2. To change the juvenile justice system, youth and youth services must become involved in the process of Policy Formulation at the State level that the act allows, rather than continue being on the receiving end of policies, priorities, and funding.

In February of this year, NYAP engaged in a study of these implementation efforts by youth services in three States: Illinois, Massachusetts, and Florida. The study, funded by the Ford Foundation, will be completed in June. These remarks constitute a preliminary look at the results of this study, and our other efforts at impacting the act's implementation locally.

JJJPA AND THE STATES

Minnesota

Youth services met with staff of the Governor's Commission of Crime Prevention and Control (local LEAA State Planning Agency—SPA) last November. The staff had examined the bill and decided that nothing would be done

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in Minnesota until Congress appropriated funds, rather than beginning to solicit input from youth services for their planning of the needs and priorities of juvenile justice. To circumvent this "business as usual" attitude, youth services examined the composition of the SPA supervisory board and decided it was not representative of juvenile justice, as called for in Sec. 542 of the JJJPA. They solicited nominations from youth services, endorsed and submitted names to the Governor. In March, the Governor appointed one of their candidates to that policy making board. Further progress is stalled by the staff insisting on funds before proceeding.

Washington

The Governor's Law and Justice Planning Office (SPA) is an example of the reluctance of SPAs to provide information to the public. In January, a representative of youth services pleaded for an hour with SPA staff for the names and positions of people on its supervisory board. He wished to make an independent assessment of its compliance with Sec. 542. By not providing information the public has a right to without first making them "earn" it or "justifying" having it, the system and its unresponsiveness forces youth services to waste energy and time. For people who work with youth, this dulls the will to change the youth service system, burning them out for minor gains. The system wins, youth lose.

Virginia

Upon contacting the Division of Justice and Crime Prevention (SPA), youth services were told that the SPA had no plans to do anything until it received guidelines from LEAA. Only last week did the SPA (and youth services) receive the JJJPA guidelines. Youth services are encouraging the State to participate, and to create the advisory group, both with a lack of success to date.

Florida

Youth services from around the State met in December, and solicited and submitted names of youth and private agency people for the advisory group to the Bureau of Criminal Justice Planning and Assistance (SPA). Some youth services were also invited to serve on an informal advisory group on juvenile justice, after receiving excellent cooperation from a SPA juvenile justice planner.

The act's implementation is currently hampered by two political factors. First, the State is considering reorganizing itself again, rearranging the structural position and to whom the SPA would report. Staff have become cautious, and less willing to create definite plans for the act's implementation. Secondly, changes in the SPA supervisory board and the appointment of an advisory group have been tabled while the Governor conducts a "crusade" against corruption. With a congressional appropriation to respond to, the State could be expected to move again on the act's implementation.

Illinois

The act's implementation has been slowed here as the legislature fights for control of the Illinois Law Enforcement Commission (ILEC—SPA) and a Commission on Juvenile Delinquency. Republican legislators are successfully pushing two bills—one to reorganize the ILEC, taking power from a Democratic Governor, another creating a juvenile delinquency commission within the Department of Corrections. The second bill, heavily supported by law enforcement, will not only duplicate functions of ILEC (if Illinois participates in JJJPA) but also will make the coordination of juvenile justice service the act mandates more difficult. Misinterpretation of the JJJPA by State officials (for example: which State agency would assume responsibility for the act) has hampered youth services' efforts to impact State policy.

Michigan

In Wayne County, a progressive juvenile justice system is caught up in a political power struggle. The Juvenile Facilities Network, primary recipient

of LEAA and HEW juvenile funds, is slowly being stripped of its control over juvenile justice services by the County LEAA Regional Planning Unit staff. At a conference on the Juvenile Justice Act sponsored by New Detroit Inc., the Wayne County LEAA staff gave youth services this synopsis of the act. "There is no money. Even if there was it would be insignificant when compared to all other money spent on youth in Wayne County [he included education in his \$2 billion figure]. Don't talk to me, write your Congressman." This type of cavalier distortion of statistics, whether intentional or not, deters youth and youth services from taking the JJDPa seriously, which, coincidentally, will also perpetuate the current system.

Massachusetts

Youth services organized themselves in December and received good cooperation from the director of the Committee on Criminal Justice (SPA). Together they are examining how to process recommendations from community groups for the advisory group. With a change in State administrations, the SPA director was notified of his pending departure. Progress in this State on the act's implementation continues to be hindered by a political power struggle over control of the SPA between the Governor and the Attorney General. Needless to note, youth are not a part of this struggle, only on the receiving end.

Connecticut

The Connecticut Planning Committee on Criminal Administration's (SPA) attitude and response to public inquiries about the act is typical of many SPAs around the country. Youth services are told, in effect, to forget about the JJDPa, there is no money for it. No money means no action. SPAs are not eager to have youth services participate in any reorganization of the composition of the SPA supervisory boards or the regional planning units.

CONCLUSION

These examples of how the JJDPa is being implemented only allude to some of the difficulties. The political power struggle within States and their criminal justice systems were designed in, and will not end. The reality is that the States will not implement the act until they know how much money they are going to receive. Deinstitutionalization is financially expensive in the short run, and they know it. Like it or not, the full funding of the Juvenile Justice and Delinquency Prevention Act is the essential encouragement the States need to begin reforming their juvenile justice systems.

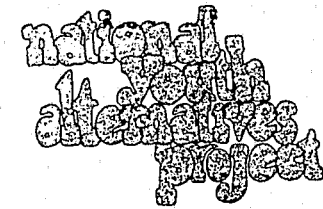
States are not volunteering information to youth services on the required representation of Sec. 542. Many are insisting they comply already at all levels. Congress must insure the action review of compliance with Sec. 542 by the States. Without some allies on these policy and decisionmaking boards at the State and local levels, there will be few changes in the juvenile justice system.

The responsibility of whether the Juvenile Justice and Delinquency Prevention Act fulfills its dream is twofold.

Congress has the responsibility to encourage State participation and enactment of programs by appropriating funds. It has an ongoing responsibility to monitor LEAA's implementation of the goals of the JJDPa.

The burden of the quality of the act's implementation rests with private agencies and concerned individuals. For the first time, youth and youth services have an opportunity to gain access to policy formulation in the juvenile justice system. They have failed to take the initiative generally. Few coordinated efforts to impact Public Law 93-415 exist. Where they do, they have met with moderate success.

The JJDPa may well be "the only game in town" as LEAA Administrator Velde says. There is clearly a "delay of the game," and youth are being penalized.



THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT:

SOME GUIDES TO IMPACTING ITS IMPLEMENTATION LOCALLY

August, 1975
Revised

Mark Tennes

INTRODUCTION

These Guides elaborate on specific opportunities youth services have to impact the implementation of the Juvenile Justice and Delinquency Prevention Act of 1974 (JJDPa). They cite examples of activity underway in various States and make suggestions on how to proceed in your State.

The purpose of the Guides is to encourage you to examine more closely your juvenile justice system and to assist you in participating in the system's processes of policy formulation and implementation. The Guides cover four areas:

- 1) NOMINATIONS FOR JUVENILE JUSTICE ADVISORY GROUPS
- 2) REPRESENTATION ON THE STATE PLANNING AGENCY (SPA) AND REGIONAL PLANNING UNITS (RPU)
- 3) INPUT INTO THE PLANNING PROCESS
- 4) ONGOING MONITORING OF THE SPA ACTIVITY

The Guides begin with one underlying assumption- that the burden of whether this Act realizes its goals rests with community groups, and their ability to impact the juvenile justice planning process.

□ 1346 CONNECTICUT AVENUE, N.W. WASHINGTON, D.C. 20036 202 785-0764

The Juvenile Justice and Delinquency Prevention Act is the most significant piece of youth legislation of the last twenty years, and probably the next five. For the first time, youth are to participate in policy making for youth services. Within two years, status offenders will no longer be placed in institutions. Youth services will finally be able to participate in creating funding priorities for juvenile justice programming. The juvenile justice policy directions set during the next three to ten months will affect youth services for years to come.

Background: State Planning Agencies and the JJDP

The Crime Control Act of 1968 created the Law Enforcement Assistance Administration (LEAA) within the Department of Justice. The Act adopted the stance that crime is a local problem, and mandated the creation of State Planning Agencies (SPA). Each state was divided into geographic regions by its SPA, and Regional Planning Units (RPU) were created.

SPAs are required to have supervisory boards to review and approve grants and to create a comprehensive criminal justice plan for the State. RPUs have boards which review grants before the SPA approves them, and which make input into the criminal justice plan.

To implement the JJDP, a new Office of Juvenile Justice and Delinquency Prevention has been established in LEAA. Through this Office, juvenile justice formula block grants, allocated by population under 18, will be made to States participating in the JJDP (see Appendix 1.).

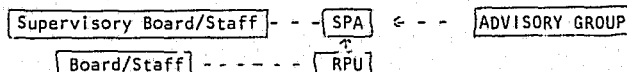
The JJDP has changed the operations of SPAs in two ways of particular importance to private agencies:

1) Restructuring the SPA

The supervisory board of the SPA and the boards of its Regional Planning Units shall now include "representatives of citizen, professional, and community organizations including organizations directly related to delinquency prevention." Units of local government which have juvenile justice programs are also to be represented.

These are the policy formulation and decision making boards of the local LEAA system. Persons sitting here not only have input to juvenile justice but also have input into the complete state LEAA spending- equipment requests, court projects, etc.

If a State chooses to participate in the JJDP, the SPA is required to create a 21-33 member juvenile justice Advisory Group, one third of which are under 26. This Group has various powers, described in the section on making Nominations to the Advisory Group. Simplified, the administrative system looks like this:



2) Formula Grants and State Plans

There are specific policy directions for the formulation of the States' Comprehensive Juvenile Justice Plans, spelled out at length in Sec 223 of the JJDP. In summary:

- both private agencies and local government are to participate in and have active consultation with the development of the State Plan;
- 75% of the formula grant is to be spent on "advanced techniques", such as community based group homes and family services, prevention, diversion, etc.;
- 2/3 of the formula grant is to be spent through local government;
- the Plan shall provide that status offenders must be placed in shelter facilities within two years after submission of the Plan;
- the Plan shall provide that detained youth charged with delinquent acts cannot have "regular contact" with incarcerated adults.

From the policy directives of the JJDP emerge two political realities. First, private agencies, which are the primary providers of community based "advanced" services, will be required to make accommodations with local government if they wish to receive LEAA funds.

Second, LEAA and the SPAs will have to make accommodations with youth services if they desire to achieve the ends of the JJDP. The social, political, and economic processes of deinstitutionalization are complex, and require a broad base of support. The guidelines LEAA has chosen to promulgate are therefore directed to an expanded SPA constituency now including private youth services. The Act provides an important opportunity for the criminal justice system and youth services to work cooperatively to improve the quality of juvenile justice. To achieve that cooperative base of support, the SPA system must facilitate the participation of relative newcomers to the LEAA system, particularly young people.

State Participation in the JJDP

The JJDP provides for voluntary State participation. On August 1, 43 States submitted sketches of plans for complying with the Act. In doing so, they agreed to deinstitutionalize status offenders by August 1, 1977, and to provide community based services to them.

Seven States chose not to participate at this time. They were: Alabama, Colorado, Oklahoma, Rhode Island, Utah, West Virginia, and Wyoming. The decision not to participate can be reversed at any time, and there are some things youth services can do to attempt to reverse this decision. If youth services in nonparticipating states are interested in securing State participation, NYAP will lend special assistance to them in information sharing, formulating strategies, and connecting them with other interested persons.

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Nominations for Juvenile Justice Advisory Groups

The Juvenile Justice Advisory Groups are potentially one of the strongest tools for advocacy that youth services have. They are to be appointed by each Governor, probably within the next 90 days. They are to review the Comprehensive Juvenile Justice Plan before the SPA Supervisory Board approves it. The Plan is due at a LEAA Regional Office December 31, 1975. To allow for effective integration of the Advisory's comments, this review ought to occur in November at the latest. The Plan must detail:

- who sits on the Advisory, and how they meet the Act's requirements,
- the Advisory's responsibilities, duties, functions, and frequency of meetings,
- the Advisory's relationships to the SPA and its Supervisory Board,
- the Advisory's role in Plan development and PROJECT REVIEW.

Between now and December 31, then:

- "someone" will make nominations to the Governor on the Advisory,
- the Governor will appoint the Advisory,
- "someone" will define the roles and duties of the Advisory, which the Advisory would then review in the Plan itself,
- the Advisory will meet at least once to review the Plan,
- the SPA will approve the Plan and forward it to LEAA.
- private agencies will be actively consulted in developing the Plan,
- local government youth services will be involved in plan development.

You need to find out who that "someone" is in each case. You need to move quickly in cooperation with other youth services in making nominations to the Governor if you hope to have effective youth and youth service representation on the Advisory. Many states- Oregon, Illinois, Virginia, Maryland to name a few- are moving very quickly to create these boards and will probably have them by the end of September. Youth advocates should make input about the Advisory's duties, functions, and relationships; about the Advisory's role in Project Review before any grant is funded; and on how youth services should be consulted. The following are some examples and ideas of tactics and strategies.

Advisory Group Composition

The JJDPa mandates the following character of an Advisory Group:

- 1) 21-33 persons with "training, experience, or special knowledge of prevention and treatment of juvenile delinquency of the administration of justice";
- 2) representation of local government, law enforcement, corrections or probation, juvenile or family court judges, public agencies;
- 3) representation of private agencies concerned with delinquency prevention or treatment; the quality of juvenile justice, education, or social services for children; neglected or dependent children; which utilize volunteers to work with delinquents or potential delinquents; community based delinquency prevention or treatment;
- 4) majority of whose members shall not be full time employees of federal state or local government (10 of 21, 16 of 33 members);
- 5) at least one third are to be under 26 at the time of appointment.

Assuming all of the possible slots to government employees are used and go to persons over 26, the Advisory Group would be:

21 Persons	10 Government	7 Youth	4 Others
33 Persons	16 Government	11 Youth	6 Others

Participating States submitted a Plan Supplement Document for their Criminal Justice Plans to LEAA August 1. This contained a brief explanation of how the SPA intends to create and involve an Advisory Group. It is public information available from your SPA office, and would appear useful in forming effective strategies for nominations.

Criteria

You need to check with a friendly SPA staff person or governor's office contact to find out how the appointments would be made, and the types of balances (minority, sexual, age, geographic) they are seeking. Any recently appointed commission might serve as a benchmark.

A strategy used by task forces of youth services in some states to strengthen their nominations is to include sympathetic juvenile court judges and probation people, thereby making recommendations for every seat. Youth services around the state are then supporting people who have demonstrated their concern for youth issues.

A Michigan Task Force decided to submit 50 nomination, including:

- 1) 10 names to represent law enforcement/corrections, probation/courts;
- 2) 15 names to represent public agencies involved with delinquency;
- 3) 25 names to represent private agencies and citizens.

They also recommended that one third of the Group that must be under 26 include youth under 18. The 25 names were to include juvenile and adult ex-offenders, juveniles presently under control of the juvenile justice system, and may include businessmen and women as well as parents of offenders.

Report the nominating process used to the people you ask to endorse the slate. Centers participating in the nominating process should be asked for endorsements in letters to the Governor. Nominations should also be copied to

appropriate SPA staff and the contact in the Governor's office. Endorsement of the nominations should be sought from your Board members, staff of centers, former clients, and others (e.g. League of Women Voters, Urban League, Council of Jewish Women, etc). The Appendix, Issues in Youth Participation, may assist you in developing criteria for youth. Youth nominated will benefit from letters of reference as well as resumes.

The following is an excerpt from the letter that went out to youth services in Massachusetts after a one day workshop there:

"We are looking for three groups of people from other agencies and community or juvenile justice officials. Look for their ability to speak articulately, willingness to say what they believe and stick to it, and willingness to put in about 5 hours per month in sometimes boring but important meetings. Above all, look for an orientation that puts the needs and interests of kids above those of the juvenile justice system.

"Considering the present trends, the advisory board will probably be 40% female and 20% minority. Keeping all these characteristics in mind is difficult. (Gov.) Dukakis will be making the final decision, not us. It is, however, worthwhile to be aware of them so we don't end up submitting an all white male list of potential advisory board members."

Massachusetts youth services have apparently been successful in obtaining the Governor's acceptance of a process which screens recommendations for the Advisory. The Screening Committee is composed of youth services and public agencies.

Representation on the State Planning Agency and Regional Planning Units

SPA Supervisory Board

This is the policy and decision making board. It is to represent:

- state and local law enforcement officials, including agencies directly related to prevention and control of juvenile delinquency;
- elected local officials;
- police, court systems, corrections, and juvenile justice systems;
- public agencies reducing or controlling crime;
- citizen, professional, and community organizations including organizations directly related to delinquency prevention.

No "quotas" for these positions are established by the Guidelines (see Appendix II). The Guidelines seem to indicate at least two representatives of juvenile justice must sit on the Supervisory Board and LEAA appears to be interpreting it this way. The "citizen, professional, and community organizations" are outlined as follows:

- "1) organizations concerned with neglected children;
 - 2) organizations whose members are primarily concerned with the welfare of children;
 - 3) youth organizations;
 - 4) organizations utilizing volunteers to work with delinquents or potential delinquents.
- These examples are by no means exhaustive."

"Because of the diversity of State governmental structure and of law enforcement conditions within states, compliance will be evaluated by Regional Offices." This task is performed by "state representatives", LEAA Regional Office staff assigned to each State. On May 31, each State submitted a Crime Control Act Planning Grant Application to their Regional Office which listed who represented juvenile justice and how. This is public information available to you from your SPA. If private agencies are in disagreement with their SPA about the representative nature, NYAP will assist them in forming strategies for action. Private agencies should express their views to their SPA and its director, their governor, and the LEAA Regional Office.

Obtaining representation on the SPA is probably the most difficult task private agencies are faced with in impacting the JJDP. By design, the political connectedness of Board positions is most concentrated here. The primary information you need to obtain is two fold:

- 1) Who sits on the Supervisory Board, and who do they represent?
- 2) Was the SPA created by an act of the state legislature, or by Executive Order of the Governor?

If the SPA was created by Executive Order, "all" you need to do is get the Governor to appoint advocates for youth. Youth services in Minnesota, using influential youth service Board members, were successful in this. If the SPA was created by an act, it may take an act to amend it. Some seats, however, might be statutory (a specific official must sit on it) and others might be discretionary (seats filled by appointment).

The Minnesota Task Force arrived at the following criteria for the candidates they sought for the SPA:

- 1) Must be a private agency representative with experience and understanding of direct service programming;
- 2) Must be able to communicate with others and present logical arguments as a Commission member;
- 3) Must have the ability to deal with the political side of funding;
- 4) Must be open to a variety of issues and concerns and geographic differences;
- 5) Must not be currently applying for LEAA funding.

They made four recommendations, and the Governor appointed one of them.

There is other information that will be helpful in making strategy. Are current terms due to expire soon? Are there vacant seats now that could be filled? Who makes nominations for these seats? A mistake youth services in Illinois made was to allow SPA staff to make their own recommendations without any input from them.

Regional Planning Units

The Regional Planning Units (RPU) composition is similar to that of the SPA with the major exception that it must include a majority of locally elected officials. The RPU boards must also represent juvenile justice interests in the same way as SPAs, and are even more difficult for LEAA Regional Office staff to assess. Any effective monitoring of this representation must be done in the local community.

The role of the RPUs vary from state to state, and within states. In Michigan they write their own plans while in Indiana the SPA does all the planning of priorities and needs. Wayne County (Detroit) and Cook County (Chicago) Criminal Justice Committees (read RPUs) wield considerable power with their SPA systems. In Massachusetts outlying RPUs generally are able to have their recommendations funded by the Supervisory Board. In Illinois, the RPUs are to obtain community input for the Juvenile Justice Plan in September. Many other states will be using the RPUs extensively to obtain input to planning the JJDP. There is a great danger here of their continuing "business as usual" and not seeking expanded youth service input.

Basic information required for effective strategies includes:

- 1) How many RPUs exist, who sits on them, and who is the primary staff person to relate to?
- 2) How does the RPU identify the area's needs, and incorporate them into the state plan?
- 3) Are their recommendations usually funded?
- 4) What types of youth services do they recommend for funding?
- 5) On what criteria do they base recommendations when reviewing proposals?
- 6) How do RPU use priorities set at the state level?

Much of the specific information should be available from youth services which have already received LEAA funding.

The Juvenile Justice Planning system has not yet evolved, and it is still unclear what role Regional Planning Units will play. In light of the requirement of 66 % of funds being spent through local government and the requirement that RPUs be composed of 50% of locally elected officials, RPUs would appear to be critical for any ongoing monitoring of the JJDP's implementation.

Input into the Planning Process

Planning and formulating policy can be an onscure and complex process to the uninitiated (obscurity and complexity not being wholly unrelated to the survival of any system). The determination of needs and priorities of the juvenile justice system through an open process would be a significant achievement for youth services. An open process could spell the difference between youth services now competing among themselves for left-over grants and youth services competing openly for grants under commonly agreed upon priorities.

One simple reality dominates the planning picture- it is better to make policy than receive it. In the revised SPA system, hopefully youth services will both make and receive policy. Well-developed tactics can help insure that your perceptions of the needs of youth become integrated into the planning structure of the juvenile justice system. This section is to serve as a Primer for developing those tactics.

Planning

Planning in the SPA system occurs in two stages: first, SPAs plan to produce a Comprehensive Plan, and second, they produce the Plan itself. This two step process occurs in planning for both the Crime Control Act funds and the JJDP's funds.

The first stage involves the completion of a Planning Grant Application. The Planning Grant Application is sent to the LEAA Regional Office for approval. Once it is approved, funds are made available to the SPA to produce the Comprehensive Plan. When this Plan is approved, funds are made available to support criminal justice programs.

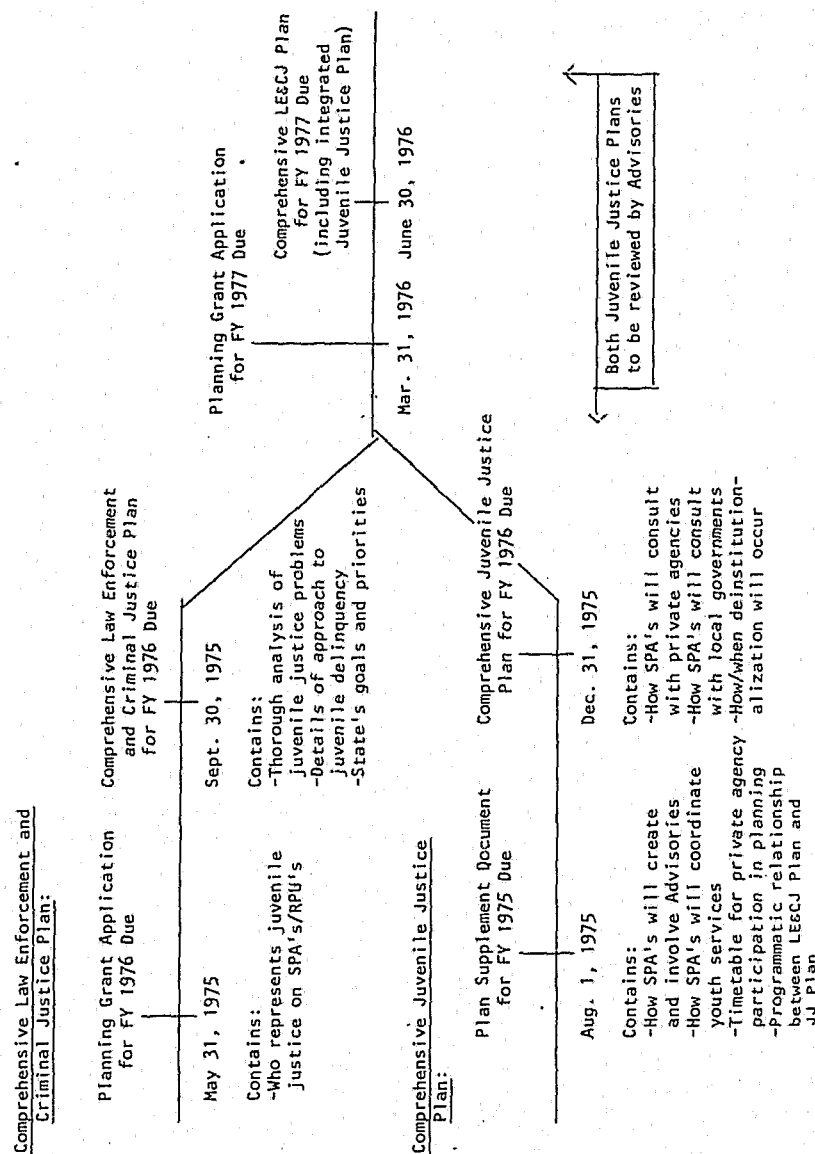
The outcome of the second stage is the creation of a Comprehensive Plan. The Plan that is created for the Crime Control Act is called the Comprehensive Law Enforcement and Criminal Justice Plan. SPAs have been creating these since 1969. The Plan that is created under the JJDP's is the Comprehensive Juvenile Justice Plan. This year (FY 1976) these plans will be created by the SPAs as separate documents. Next year's plan (due June 30, 1976) will be integrated into one Comprehensive Plan, covering both adult and juvenile justice.

Impacting the Comprehensive Juvenile Justice Plan

The Juvenile Justice Plan is due at a LEAA Regional Office on December 31, 1975. In order to effectively impact this Plan, you must examine two documents your SPA has already produced.

The first is the Comprehensive Criminal Justice Plan for 1976, the Plan for the Crime Control Act. This document, due September 30, 1975, ought to contain a "thorough, complete, total, and integrated analysis" of juvenile crime and of juvenile justice problems throughout the State. It will also contain a statement outlining the goals, standards, priorities, budget, and accomplishments for its juvenile justice program over the next three years. A brief

STATE PLANNING CYCLE FOR FUNDING THROUGH LEAA



outline of other data required in the Criminal Justice Plan is found in Appendix III. This Plan will also have many other references to juvenile justice, which are to be catalogued on one index page. This should make the document fairly easy to examine.

The second document that must be examined is the Planning Grant Application for the Juvenile Justice Plan. If your state is participating in the JJDP, it supplied this document to LEAA on August 1. Due to a favorable Congressional error mandating the immediate dispersal of \$200,000 to each State, this year's Planning Grant Application was dropped, substituting a Plan Supplement Document in its place. By submitting a Plan Supplement Document States received JJDP program funds without a Comprehensive Juvenile Justice Plan.

The Plan Supplement Document will contain:

- 1) An explanation of
 - how the SPA will coordinate services to youth;
 - how the SPA will create and involve the Advisory Group;
 - how the SPA will begin consulting local government on the Plan;
 - how the SPA will enlist the consultation and participation of private agencies in the development and execution of the State Plan.
- 2) Details on the plan for and obstacles to removing status offenders from institutions and segregating adult and juvenile offenders.
- 3) SPA's strategy for meeting other requirements of the Act, including a timetable for developing a detailed strategy for consultation and participation of private agencies and local government.
- 4) An explanation of the programmatic relationship between the Crime Control Act funding for juvenile justice and the JJDP plans.

The information contained in these documents varies from State to State. NYAP has examined the Plan Supplement Documents for ten States and found an appalling amount of "business as usual", particularly around #3 and #4. Positive or negative, this information is invaluable to any effort to impact the Juvenile Justice Plan for FY 1976 as it reveals the state's intentions in implementing the JJDP. With this data, youth advocates have the knowledge to deal with the SPA on its level and on its terms.

FY 1976 Comprehensive Juvenile Justice Plan: Advocacy Opportunities

There are many excellent opportunities for input into this Plan. Some of the more critical areas for advocacy are outlined below:

Detailed Statement of Needs: Each Juvenile Justice Plan must contain a Detailed Statement of Needs. This statement must have both a descriptive and prescriptive aspect. First, it must describe the present juvenile justice system, both public and private youth services. Unless your type of youth service is mentioned in the Plan, it is unlikely it could be funded.

Second, it must relate strategies the SPA wants to pursue in dealing with juvenile delinquency and the juvenile justice system. It will include goals and priorities, hopefully revised from the Criminal Justice Plan. Your input here is especially important. Press for a sensible and sensitive approach to youth problems and make sure the main approach is not a law and order one. This prescriptive program will affect youth and youth services for years to come.

Specifically, the Detailed Study of Needs must cover a:

- 1) Description of the structure and function of units of and flow of youth through the juvenile justice system;
- 2) Analysis of the effectiveness of the juvenile justice system, using recidivism and other relevant measures;
- 3) Analysis of the nature of delinquency as indicated by nonjuvenile justice system data (unemployment, expulsion/suspension rates, etc);
- 4) Description of major and innovative youth services both in and out of the system aimed at delinquency reduction, control, or prevention.

States may elect a two year option for completing this study, by answering #1 now, and - apparently- answering #2, #3, and #4 next year, ie, June 30, 1976.

Maximum Utilization of Private Agencies: The Juvenile Justice Plan must identify all efforts related to delinquency prevention and rehabilitation that exist in the State. It will explain how these efforts will be combined into a coordinated and comprehensive attack on juvenile delinquency. The JJDPa requires that the SPA "maximally utilize" the services that already exist. That means you. Make sure that your agency and other youth agencies are recognized in the SPA's coordinated approach.

Community Based Services: The focus of the JJDPa is on "community based" services, with at least 75% of the SPA's JJDPa funds spent on "advanced techniques". LEAA has defined community based services as those which:

"have among their characteristics local community and consumer participation in program planning and evaluation and influence upon management; have geographic, social and psychological accessibility; and build into their services provisions for retention of relationships between juveniles and 'significant others' ". (emphasis added)

"Key factors of community based programs or services are the: frequency, duration, and quality of linkages between the community and the program or service, and linkages between the juvenile and the community."

To insure that funds do in fact go to community based services, the SPA and the Advisory should define in more detail what this means. Help the SPA to develop criteria and guidelines for consumer (read youth) participation in program planning and evaluation. This might include youth administrators, peer counselors (paid), youth sitting on boards, a system for youth feedback and a mechanism for reacting to that feedback. Your SPA has planning money that could be used to develop these criteria. The Advisory Group has the power of project review, and advocates on these boards could speak for the development of criteria to measure youth participation. If this does not occur, youth will again be systematically excluded from decision making in services that purport to serve them. That is the system that has failed us.

Youth In Danger of Becoming Delinquent: The JJDPa spoke of programs for "youth in danger of becoming delinquent." LEAA feared that developing such programs now would encourage developing negative labeling which would produce self-fulfilling prophecies. The Guidelines therefore defined "in danger" as referring only to those youth who have exhibited actual behavior which itself would be grounds for their being adjudicated delinquent.

LEAA's perception of the potential dangers in this was very insightful. Yet the effect of this definition could be to orient SPA efforts away from prevention programs and towards programs supporting courts and other law enforcement agencies. This need not be its effect, but it might be. The Act anticipates that a major portion of the SPA efforts will be geared towards prevention. SPAs must be prepared to fund programs aimed at nondelinquent and "predelinquent" youth.

Deinstitutionalization: The Juvenile Justice Plan must describe how the SPA plans to accomplish this, and any constraints the State faces in achieving this goal. Youth advocates should review these description to insure that the State seriously undertakes to accomplish this. You need to make sure that a new generation of "group home jails" is not created to replace detention and lockup facilities. LEAA defines shelter based facilities to be used in deinstitutionalization as a physically nonrestrictive environment used as a temporary (up to 30 days) living facility. The SPA and Advisory can also promulgate criteria and guidelines for shelter facilities.

Training: SPAs are to develop research, training, and evaluation capacities, and describe these in the Juvenile Justice Plan. Experience teaches that there is a high potential for rip-offs in these areas. Take a close look at who is getting funded for research, training, and evaluation.

Segregating Adult and Juvenile Offenders: The Juvenile Justice Plan will detail how the SPA plans to segregate youth from adults, and what the constraints on it are in meeting these requirements. This is not generally an area of expertise for youth services, yet it is one of the more important requirements of the Act. Perhaps youth services and Advisory members could be involved in the monitoring of jails that must be outlined in the Plan.

Disadvantaged Youth: The Plan must show a determined effort to insure that the needs of disadvantaged youth are met on an equitable basis. Disadvantaged youth are defined as minority, female, retarded, and emotionally or physically handicapped youth. One way to insure that this requirement is met is to get the SPAs to establish a funding priority for programs that serve disadvantaged youth or that undertake affirmative action programs to increase service to disadvantaged youth.

Programs In The Pipeline: NYAP has read some of the Plan Supplement Documents that the SPAs submitted to LEAA. It appears that some States already have specific projects they have in mind for funding. Investigate whether they are the kind of projects you think ought to be funded. Insist on having the Advisory Group review all projects before the SPA funds them.

Ongoing Monitoring

In order to have a continuing impact on the juvenile justice system, you must engage in ongoing monitoring of that system. Valuable experiences will be gained from working with the SPA staff on the issues of the Advisory, representation, and planning. From these experiences and initial interactions, you will be able to form a more detailed, localized strategy to monitor their involvement with juvenile justice.

It is important that youth services undertake the task of monitoring. The LEAA system has an incestuous monitoring mechanism- one LEAA official checking after another. Yours is likely to be the only private monitoring done.

The activity of monitoring the implementation of priorities and the allocation of funds can be accomplished by a Task Force of youth Advocates. Such Task Forces have already been established in Michigan and Massachusetts. Task Forces work best when some of their members reside in the state capitol, or where the SPA headquarters is located. It is important to keep the lines of communication open and active.

The Task Force will need to have the capability to make an independent assessment of the implementation of priorities. It will also need to develop a feedback and reporting mechanism for youth services. Perhaps an existing newsletter could be utilized.

Getting an Overview

Effective monitoring will require a general overview of the SPA administrative system. Information on organizational structures, evaluation mechanisms, RPUs, and other issues exists in the introductory sections of the Comprehensive Criminal Justice Plan and its Planning Grant Application.

Personal Contact

The importance of personal contact in dealings with the SPA system cannot be overemphasized. Personal contact is the best way to let people know who you are and to find out who they are. Regular meetings with the members of the Advisory, SPA, RPUs, and SPA staff should be scheduled. Often, people in the SPA system have little contact with direct service workers, especially alternative service workers. They are genuinely interested in learning more about what is going on in youth work. Offer to help when you can. As long as you are clear about your goals and how to pursue them, you ought to be able to avoid cooptation.

Critical Areas for Oversight

Ongoing monitoring offers various opportunities for impacting the implementation of the JJDP. Some of the more critical areas for oversight are:

SPA and RPU: In addition to personal contact, Task Force members should attend meetings of these groups, or obtain copies of their minutes. There will be turnover in both groups, and new appointments will need to be made. If someone who represented juvenile justice leaves, the Task Force could make recommendations for replacements.

Advisory Group: With aggressive youth advocates, the Advisory can be a potent political tool for change. Aggressive advocacy requires specific feedback from community groups. Personal contact will also help develop a support system for youth on this Advisory (see Appendix VI. on Issues in Youth Participation). A higher rate of turnover can be expected here, requiring more nominations.

Project Review: Effective project review by the Advisory will be time-consuming. Youth services can aid this by reporting successes and failures in projects to members of the Advisory. Remember, these projects may be funded for years to come. Do your homework well and state your case clearly and forcefully.

Proportion of Funds Devoted to Juvenile Justice: Since juveniles commit over 50% of the felonies, programs dealing with delinquency prevention are the obvious starting point for any effort to deal with crime. However, only 19% of LEAA funds are devoted to dealing with youth and youth offenders. Know how much your SPA is spending on juvenile justice, and other projects. With well developed tactics, youth services can now hope to pressure SPA to increase this spending.

Operational Flaws: The JJDP is new legislation and flaws in the system are to be expected. If you find that certain aspects of the implementation are not serving their purpose, NYAP will assist you in making effective input into the Federal system, whether it involves a Guidelines Change or an amendment to the Act. NYAP has found the Office of Juvenile Justice responsive to input on Guideline changes.

Freedom of Information: In pursuing your advocacy you will need to obtain a significant amount of information from the SPA itself. Fortunately, you are entitled by law to receive most of this information. The Freedom of Information Act is a federal law that requires various government agencies to make available to the public information and documents concerning their activities. LEAA, at both the federal and state levels, is covered by the Act. Appendix IV. explains what types of information are available from SPAs and the process the SPA must use to facilitate access to that information.

When dealing with SPA staff, you will always be in a better position when you know exactly what information you are entitled to receive. You then will not be intimidated to request information you have a right to, and you will know when staff are being cooperative and courteous. Anyone having trouble with information requests should feel free to contact NYAP for assistance in developing strategies and resources to deal with the problem.

Conclusion

Clearly, services to young people are still evolving. Drug abuse is being seen as a symptom of larger ills- economic, personal, and social. Running away is a response to other pressures, and delinquency is being defined as symptomatic of similar problems in society. Whatever label is chosen, we are finding a continued melding of definitions of youth needs. The "prevention" of a symptomatic response requires a change process in the society itself- a process to create an environment conducive to the well being of young people. Yet the system by design excludes young people from participating in the program planning and evaluation of the services- public and private- that exist to serve them.

SPAs have unwillingly become one of the agencies to be affected by the evolving definitions of youth needs, and one of the first to be compelled to provide input for youth and youth services. In this culture, the promotion of the interests of young people means social change, not reform. Youth services merely battling their way into policy making does not necessarily change the process of policy making. Rather, it might be just adding one more participant, which is not change but the system re-forming itself. Neither will it insure a voice for the consumers of these services, youth. With economic hard times for social services generally, the assumption that youth services are the best advocates for young people is open to serious question. Yet social change does not occur in a vacuum- community groups bear the responsibility of monitoring agencies which are to serve them. This responsibility is effectively met with cooperative efforts youth services and youth advocates.

The era of juvenile jails- and the tragedies of this "solution"- is drawing to a close. It will be a slow death, for sure, and it will take your energy. Strange, isn't it, how we don't want youth jailed with adults in part because of the maltreatment of adults in prisons? Who knows, maybe the adult jails go next.

Obviously, to write these Guides required considerable help from people in the field. Their taking the time to share with us the information on their work made this possible. This ongoing dissemination of ideas- of successes and failures- depends on you. Make the time to let NYAP know how you are doing.

If you have any questions about this information, please feel free to contact National Youth Alternatives Project. For ongoing developments and information, please continue to follow our newsletter, "Youth Alternatives". Your comments, inputs, and criticisms of these Guides are solicited, and welcomed.

"Joining together, the ants ate the elephant."

hindu proverb

JJDPA AND LEAA FUNDING

STATE	POPULATION (000)	FY 1975 JJDPA STATE ALLOCATIONS (000)	FY 1976 JJDPA STATE ALLOCATIONS*	FY 1976 LEAA STATE ALLOCATIONS**
Alabama	3,546	231	422	9,624
Alaska	330	215	200	752
Arizona	2,073	216	237	5,634
Arkansas	2,035	217	225	5,521
California	20,652	368	2,280	56,085
Colorado	2,468	220	276	6,702
Connecticut	3,080	226	348	8,364
Delaware	573	215	200	1,556
District of Columbia	734	215	200	1,993
Florida	7,745	254	756	21,032
Georgia	4,818	242	573	13,083
Hawaii	841	215	200	2,283
Idaho	776	215	200	2,104
Illinois	11,176	296	1,300	30,334
Indiana	5,304	247	631	14,404
Iowa	2,863	225	334	7,775
Kansas	2,264	219	250	6,144
Kentucky	3,328	228	384	9,036
Louisiana	3,746	235	478	10,174
Maine	1,039	215	200	2,822
Maryland	4,074	235	480	11,063
Massachusetts	5,795	238	643	15,748
Michigan	9,061	283	1,104	24,601
Minnesota	3,890	235	470	10,463
Mississippi	2,317	221	290	6,292
Missouri	4,768	239	533	12,948
Montana	730	215	200	1,983
Nebraska	1,533	215	200	4,163
Nevada	551	215	200	1,491
New Hampshire	794	215	200	2,151
New Jersey	7,325	261	826	14,844
New Mexico	1,099	215	200	2,984
New York	18,214	348	1,994	49,464
North Carolina	5,302	245	605	14,398
North Dakota	635	215	200	1,724
Ohio	10,743	295	1,270	29,174
Oklahoma	2,669	221	290	7,244
Oregon	2,219	218	240	6,026
Pennsylvania	11,862	298	1,303	32,212
Rhode Island	967	215	200	2,626
South Carolina	2,724	224	329	7,398
South Dakota	682	215	200	1,851
Tennessee	4,095	234	458	12,972
Texas	11,828	302	1,402	32,120
Utah	1,150	215	200	3,123
Vermont	466	215	200	1,266
Virginia	4,844	240	535	13,155
Washington	3,431	229	394	9,311
West Virginia	1,788	215	219	4,856
Wisconsin	4,539	240	541	12,321
Wyoming	353	215	200	958

* This figure is an estimate based on an appropriation of \$40 million for the JJDPA. The figure includes only funds appropriated for July 1, 1975 to June 30, 1976; it does not include "5th Quarter" spending.

** This figure is an estimate based on an appropriation of \$769 million for LEAA (not including JJDPA). The figure includes funds from the "5th Quarter" and represents spending from July 1, 1975 to September 30, 1976.

March 21, 1975

APPENDIX II.

State Planning Agencies and Regional Planning Units administer the LEAA program in the States. This excerpt from the LEAA Guidelines explains how the SPA's and RPU's are to be composed of juvenile justice and other interests, and what duties they are to perform.

15. STATE PLANNING AGENCY SUPERVISORY BOARD.a. Authority.

- (1) Establishment. The Act authorizes LEAA to make grants to the States for the establishment and operation of State law enforcement planning agencies for the preparation, development and revision of the State plans. LEAA requires that the State Planning Agency have a supervisory board, (i.e., a board of directors, commission, committee, council, etc.) which has responsibility for reviewing, approving, and maintaining general oversight of the State plan and its implementation. Since the SPA supervisory board oversees the State plan and its implementation, it must possess the "representative character" required by the Act.
- (2) Application Requirement. BY WHAT STATE AUTHORITY DOES THE STATE PLANNING AGENCY SUPERVISORY BOARD EXIST? ATTACH DOCUMENTARY EVIDENCE AUTHORIZING THE STATE PLANNING AGENCY SUPERVISORY BOARD TO FUNCTION AS STATED ABOVE.

b. Organization/Composition.

- (1) Representatives Character. The Act requires that the State Planning Agency supervisory board must be representative of law enforcement and criminal justice agencies, including agencies directly related to the prevention and control of juvenile delinquency, units of general local government, public agencies maintaining programs to reduce and control crime, and shall include representation of citizens, professional and community organizations, including organizations directly related to delinquency prevention. An individual may serve as a member of a State Planning Agency or regional planning unit while concurrently serving as a member of the State Planning Agency's "Advisory Group". In determining conformity with representative character, it is possible for one board member to be representative of more than one element of interest.

The composition of such boards may vary from State; however, balanced representation is required and must include the following:

- (a) Representation of State law enforcement and criminal justice agencies, including agencies directly related to the prevention and control of juvenile delinquency.
 - (b) Representation of units of general local government by elected policy-making or executive officials;
 - (c) Representation of law enforcement officials or administrators from local units of government;
 - (d) Representation of each major law enforcement function -- police, corrections, court systems and juvenile justice systems -- plus, where appropriate, representation identified with the Act's special emphasis areas, i.e., organized crime and riots and civil disorders;
 - (e) Representation of public (governmental) agencies in the State maintaining programs to reduce and control crime, whether or not functioning primarily as law enforcement agencies;
 - (f) Representation that offers reasonable geographical and urban-rural balance and regard for the incidence of crime and the distribution and concentration of law enforcement services in the State;
 - (g) Representation, as between State law enforcement agencies on the one hand and local units of government and local law enforcement agencies on the other, that approximates proportionate representation of State and local interests;
 - (h) Representation of citizen, professional and community organizations, including organization directly related to delinquency prevention.
- (2) Examples of juvenile delinquency related agencies and citizens, professional and community organizations.
 - (a) Agencies directly related to the prevention and control of juvenile delinquency may include:
 - (1) Public agencies concerned with delinquency prevention or treatment such as juvenile justice agencies, juvenile or family court judges and welfare, social services, mental health, education, or youth service departments.
 - (2) Private agencies concerned with delinquency prevention and treatment: concerned with neglected or dependent children; concerned with the quality of juvenile justice, education, or social services for children.
 - (b) Citizens, professional, and community organizations including organizations directly related to delinquency prevention may include:
 - (1) Organizations concerned with neglected children;
 - (2) Organizations whose members are primarily concerned with the welfare of children;
 - (3) Youth organizations; and
 - (4) Organizations utilizing volunteers to work with delinquents or potential delinquents.
 - (c) These examples are by no means exhaustive.
 - (3) Participation by Federal Officials. Federal representation on State Planning Agency supervisory boards as voting members is not allowed (except in D.C., American Samoa, Guam, and Virgin Islands). Federal officials may continue to assist State Planning Agencies in any advisory or other non-voting capacity which is mutually agreeable.
 - (4) Evaluation. Because of the existing diversity of State governmental structures and of law enforcement conditions within the States, the representative character of a State Planning Agency and its staff will be evaluated by the cognizant Regional Office on a case-by-case basis indetermining compliance with the statutory requirements.
 - (5) Application Requirement. DESCRIBE THE ORGANIZATION AND FUNCTIONS OF THE STATE PLANNING AGENCY SUPERVISORY BOARD. INCLUDE FUNCTIONAL ORGANIZATION AND STAFFING CHARTS. (Forms for staffing information are provided in appendix 2-3)

24. REGIONAL CRIMINAL JUSTICE PLANNING. The Act requires that units of general local government or combinations of such units participate in the formulation of the Comprehensive State Plan. The Act recognizes that effective planning capabilities are needed at the substate level. As a means of meeting this requirement LEAA encourages the incorporation of criminal justice planning responsibilities within the multi-jurisdictional organizations established in accordance with the Intergovernmental Cooperation Act of 1968 or in lieu of this the creation of regional planning units by State Planning Agencies to assist in the development of the annual comprehensive plan.

- a. Definition. A regional planning unit is any body so designated, which incorporates two or more units of general local government to administer planning funds and undertake law enforcement and criminal justice planning activities under the Act for a number of geographically proximate counties and/or municipalities. The regional planning unit is responsible for criminal justice planning, coordinating and for taking cognizance of any local government criminal justice planning activities.
- b. Funding. Regional planning units may receive up to 100 percent funding for expenses incurred in criminal justice planning. Exception: Single units of general purpose government designated regional planning units because they represent large metropolitan areas are not eligible for 100 percent funding. However, where there is a consolidation of two or more units of government the question of eligibility of 100 percent funding will be considered by the Administrator.
- c. Supervisory Boards. Where States establish regional planning units as "combinations of local government" to receive planning funds and participate in the formulation of the State plan as provided in Section 203(c) of the Act, such regional units must operate under the supervision and general oversight of a supervisory board.
 - (1) Fair and Adequate Representation. The States shall assure that the units of government composing such regional units shall have fair and adequate representation on the supervisory boards in terms of their law enforcement and criminal justice responsibilities. Law enforcement and criminal justice responsibilities may be determined on the basis of proportion of regional population, amount of crime within the region, law enforcement and criminal justice budgets, and/or other factors relevant to criminal justice responsibilities.

- (2) Composition. The composition of the supervisory board shall incorporate the representative character elements prescribed for supervisory boards of State Planning Agencies (see paragraph 16) with the following modifications:

- (a) Regional planning unit supervisory boards within the State shall be comprised of a majority of local elected officials. Where possible preference should be given to executive and legislative officials of general purpose government as defined by State law or pursuant to an opinion by the State Attorney General. However, elected sheriffs, district attorneys and judges may also be considered local elected officials.
 - (b) Where the governments comprising the regional units do not have significant responsibility for a particular segment of law enforcement and criminal justice (e.g., operation of courts, provision of police services, conduct of correctional programs), representation of that particular element need not be included.
 - (c) Those representative character requirements concerning State agency representation or State/local balance are not deemed applicable to regional units, although locally-based State officials (e.g., State judges within the region, directors of local branches of State correctional departments, etc.) may be considered appropriate candidates for membership on regional supervisory boards and, indeed, can often make a valuable contribution to comprehensive planning at the regional/local level.
- (3) Advisory Groups. Where a general purpose agency is selected to serve as the regional planning unit, and the governing body of the agency does not include representation of all regional elements [see specific requirement for locally elected officials, paragraph 24c(1)(a)], an advisory group consisting of the missing elements may be established to achieve compliance with this requirement. In determining whether there is compliance with this subparagraph, the totality of advisory and governing body membership will be taken into account only if the advisory body has direct access to the governing body for presentation of views.
- (4) Application Requirements.
- (a) Structure/Organization. DESCRIBE THE GENERAL ORGANIZATION AND FUNCTIONS OF THE REGIONAL PLANNING UNIT SUPERVISORY BOARDS. INCLUDE A MAP OR CLEAR DESCRIPTION OF THE JURISDICTION OR GEOGRAPHIC COVERAGE OF EACH REGIONAL PLANNING UNIT. INCLUDE FUNCTIONAL ORGANIZATION AND MEMBERSHIP CHARTS FOR EACH REGIONAL PLANNING SUPERVISORY BOARD. (A suggested form for staffing information is provided in appendix 2-3.)
 - (b) Conformance to General State Structure. INDICATE THE EXTENT TO WHICH PLANNING REGIONS OR COMBINATIONS CONFORM TO OR VARY FROM EXISTING GENERAL STATE, REGIONAL AND METROPOLITAN PLANNING ENTITIES.
 - (c) Operating Procedures. DESCRIBE THE RULES GENERALLY GOVERNING FREQUENCY OF MEETINGS, THE ESTABLISHMENT OF SUBCOMMITTEES AND THE CONDUCT OF BUSINESS.
- d. Regional Criminal Justice Planning Units. Application Requirement: BY AUTHORITY HAVE THE STATE'S REGIONAL CRIMINAL JUSTICE PLANNING UNITS BEEN ESTABLISHED OR DESIGNATED. ATTACH APPROPRIATE DOCUMENTARY EVIDENCE, i.e., CHARTER, DELEGATION FROM LOCAL UNITS, ETC.
- e. Structure/Organization of Regional Planning Units. Application Requirement: DESCRIBE THE GENERAL STRUCTURE AND ORGANIZATION OF THE REGIONAL PLANNING UNITS.
- f. Staff.
- (1) Assurance. The State Planning Agency must provide reasonable assurance that the Regional Planning Units have adequate staff to carry out their functions. Staff size will vary from State to State.
 - (2) Application Requirement. DESCRIBE THE QUALIFICATIONS, FUNCTIONS AND RESPONSIBILITIES OF KEY REGIONAL PLANNING UNIT STAFF. INDICATE THE AMOUNT OF TIME DEVOTED TO CRIMINAL JUSTICE PLANNING ACTIVITIES.
- g. Regional Input During Planning Process. Application Requirement: DESCRIBE GENERALLY THE REGIONAL PLANNING UNITS METHODS AND PROCEDURES FOR FORMULATION AND REVISION OF THE REGIONAL INPUT TO THE STATE COMPREHENSIVE LAW ENFORCEMENT PLAN, INCLUDING STEPS AND STAGES INVOLVED, WHAT IS DONE DURING THESE STAGES, THE PROPOSED ANNUAL TIMETABLE OF ACCOMPLISHMENTS, OTHER AGENCIES OF LOCAL GOVERNMENT OR NONGOVERNMENTAL CONTRACTORS UTILIZED TO CARRY OUT MAJOR PLANNING FUNCTIONS, AND THE INTENDED ROLE OF EACH. [If this requirement is adequately developed in paragraph 18a(4) further duplication is unnecessary.]
- h. Plan Implementation. Application Requirement: DESCRIBE THE ACTIVITIES OF REGIONAL PLANNING UNITS WITH REGARD TO PLAN IMPLEMENTATION, e.g., SUBGRANT ADMINISTRATION, MONITORING, EVALUATION, ETC.

March 21, 1975

APPENDIX III.

CHAPTER 3. COMPREHENSIVE LAW ENFORCEMENT AND CRIMINAL JUSTICE PLAN OUTLINE

(NOTE: Below is an excerpt from the LEAA Guidelines, outlining information State Planning Agencies are to provide in their Comprehensive Plans.)

50. COMPREHENSIVE LAW ENFORCEMENT AND CRIMINAL JUSTICE PLAN.

- a. The Act specifies that LEAA shall not approve a plan unless it is comprehensive. A comprehensive plan, according to the Act, must contain a series of related elements which together address themselves to the improvement and coordination of all aspects of law enforcement and criminal justice in the State. These must include at least the following:
 - (1) A description of the existing systems of law enforcement and criminal justice, and of juvenile justice, together with the resources available to support these systems;
 - (2) A total and integrated analysis of the problems faced by the law enforcement and criminal justice system, and the juvenile justice system;
 - (3) A statement which describes the standards and goals process in the state, identifies those standards and goals which currently exist in the state and specifies how the state expects to complete development of standards and goals for law enforcement and criminal justice and for juvenile justice in the state.
 - (4) A statement and explanation of the priorities the State has established among goals, standards, and programs in the law enforcement and criminal justice and juvenile justice areas;
 - (5) A description of the plans and programs to be undertaken by the State, which includes a statement of the direction, scope, and general types of improvements contemplated for the future;
 - (6) The relationship of the plan to other relevant Federal State, or local law enforcement and criminal justice, juvenile justice, youth services, and other human services plans and systems;

APPENDIX IV.

FREEDOM OF INFORMATION ACT
LEAA INSTRUCTIONS TO THE STATES

The Freedom of Information Act is a federal law that requires various agencies of government, federal and state, to make available to the public information and documents concerning their activities. With the mandate of this Act, youth advocates are able to obtain access to information necessary in the course of organizing for better youth services. Below are the LEAA instructions to SPAs outlining what types of information are to be available from the SPA as a matter of right and the process the SPA must use to facilitate access to that information.

32. FREEDOM OF INFORMATION REQUIREMENTS.a. Authority.

- (1) Availability to the Administration. Pursuant to Section 521 of the Omnibus Crime Control and Safe Streets Act, as amended, all records, papers and other documents kept by recipients of LEAA funds, including State Planning Agencies and their subgrantees and contractors, relating to the receipt and disposition of such funds, are required to be made available to the Administration.
- (2) Public and Press Availability. These records, and other documents submitted to LEAA pursuant to other provisions of the Act, including Comprehensive State Plans and applications for funds, are required to be made available by LEAA to the public and press under the terms and conditions of the Federal Freedom of Information Act (5 U.S.C. 552).
- (3) Applicability to SPAs. Pursuant to Section 203(d) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, the following is applicable to all SPAs.

b. Public Availability of State Planning Agency Records.

- (1) General Rule. Subject only to the exceptions set forth in paragraph 32b(2) below, all identifiable plans, applications, grant or contract awards, reports, books, papers or other documents maintained by State Planning Agencies that are pertinent to activities supported by Title I funds shall be made promptly available upon request to any person for inspection and copying.
 - (a) Applicability. This requirement applies only to records and other documents that exist and are in the possession or control of the State Planning Agency and that are described in reasonably specific terms to enable the State Planning Agency to identify and locate them. This section imposes no obligation to compile or procure a record or other document in response to a request, nor to undertake to identify for someone who requests records the particular materials he wants where a reasonable description is not afforded.
 - (b) Implementation. Disclosure should be facilitated whenever reasonably possible, and State Planning Agencies should not use the identification requirement and their superior knowledge of the contents of their files as a means of frustrating requests for records. However, the burden of identification does fall upon the person who requests a record. There is thus no need to accommodate "fishing expeditions."
 - (c) Rules and Procedures. Inspection and copying of records and documents is allowed subject to reasonable rules and procedures relating to time, place, and fees for copies to the extent authorized by law. Fees charged for copied materials shall be no more than those reasonably necessary to recover the cost of providing such copies.
 - (d) Form of Records Disclosed. Applications, regional or local plan submissions and other such documents should be made available in the form received by the State Planning Agency as well as in the form finally approved or otherwise acted upon. Thus, an application should be made available in the form received even if it is substantially revised before approval or ultimate rejection.

- (2) Material Exempted from Disclosure. Records and documents, or parts thereof, need not be made available under this section if they are:

- (a) Specifically exempted from disclosure by State law;
- (b) Related to operations of criminal justice agencies that are sensitive or confidential to such a degree that disclosure would not be in the interest of the public;
- (c) Internal communications related to the State Planning Agency decision making process, such as preliminary drafts, memoranda between staff officials, opinions and interpretations prepared by staff personnel, or consultants, or records or minutes of deliberations of staff groups or executive sessions of the supervisory board;
- (d) Investigatory files compiled for law enforcement purposes. This does not include audit reports unless they include contents covered under specific areas of exemption listed in this section.
- (e) Trade secrets or commercial or financial information that is privileged or confidential under State law;
- (f) Material related solely to the internal personnel rules and practices of the agency; or
- (g) Personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(3) Withholding Material.

- (a) An application, plan submission or similar document or parts thereof, may be withheld if disclosure would jeopardize the proprietary rights of the applicant in the idea or concept embodied in the application. Similarly, contract proposals submitted in response to an invitation for bids may be withheld during the evaluation process; and, even after award of the contract, parts or all of such proposals may be withheld to protect trade secrets, financial status information, technical or scientific data, or other information that is privileged or confidential under State or local law.
- (b) Under the exception covering sensitive or confidential law enforcement operations, State Planning Agencies may withhold material that relates to such operations as undercover activities to combat organized crime or narcotics traffic, where disclosure might compromise the identity of undercover agents or otherwise jeopardize the success of the operations.
- (c) Documents relating to internal procedures and decisions between receipt of an application or other document and final decision regarding it may be withheld. These are within the "internal communications" exceptions. Examples are interim drafts or mark-ups, memoranda containing staff evaluations or recommendations, and staff legal opinions or interpretations.
- (d) The exception for investigatory files compiled for law enforcement purposes covers files of investigations in connection with administrative proceedings as well as criminal law enforcement proceedings. Thus, audit files and other investigative files may be withheld if they reflect possible violations of law or circumstances requiring redress by administrative proceedings or litigation.
- (4) Decisions to Release or Withhold Material. In making decisions as to whether to release or withhold requested material, State Planning Agencies should bear in mind that the purpose of the guidelines is to facilitate the fullest possible public disclosure of records and information bearing on LEAA-funded activities consistent with other essential considerations of public policy. Thus, material should be released even though technical grounds for withholding it may exist under one of the enumerated exceptions, unless there are compelling reasons to withhold it.
 - (a) Decisions under the Act. Since these guidelines are generally modeled after the Federal Freedom of Information Act, State Planning Agencies may look to the decisions under that Act for guidance in implementing these guidelines.
 - (b) Consulting LEAA Regional Offices. It is strongly urged that in the early stages of implementation, LEAA Regional Office be consulted before decisions are made to withhold requested material, particularly if the grounds for withholding are based upon exemptions in paragraph 32b(3)(b) (sensitive or confidential law enforcement operations), 32b(3)(c) (internal communications), or 32b(3)(d) (investigatory files).

Disclosure of votes and Awards.

- (1) Record of votes. State Planning Agency supervisory boards and regional and local planning councils, including Criminal Justice Coordinating Councils established under Section 301(b)(8) of the Act shall maintain and make available for public inspection a record of the votes of the supervisory board or planning council in all proceedings at which final decisions are made relating to the approval and submission of comprehensive plans or applications for LEAA funds or the allocation or award of LEAA funds. Members who do not agree with the majority of the membership may request their position be recorded separately.
- (2) Announcements of Awards. All subgrant and contract awards shall be announced promptly to the public news media by means of press releases or announcements of the kind generally utilized by other State agencies in announcing official actions. Such press releases shall contain sufficient information to enable the public to identify the State Planning Agency, the recipient of the award, the amount and purpose of the award and, in the case of contracts, the procedures used, competitive bidding or noncompetitive award, followed in determining the recipient of the award.
- d. Application of the Requirements to Subgrantees and Contractors. The provisions of this paragraph shall apply to all recipients of Title I funds, whether received by direct grant or contract from LEAA or indirectly by subgrant, contract or subcontract from primary grantees or contractors. To effectuate this provision, the State Planning Agency shall include in all grant or contract awards the following condition:
 - (1) Public Availability of Information. The grantee/contractor agrees to comply with the requirements of paragraph 32 of LEAA Guideline Manual W 4100.10, State Planning Agency Grants, relating to the availability to the public of identifiable records or other documents that are pertinent to the receipt or expenditure of LEAA funds and the availability of records of the votes of planning councils including dissenting members votes relating to the approval of plans or the allocation or award of LEAA funds. The

grantee shall include in any subgrant or contract involving LEAA funds a condition requiring the subgrantee or contractor to comply with the requirements and to require its subgrantees or subcontractors to comply with the requirements.

e. Public Accessibility to Meetings.

(1) General Rule.

- (a) Applicability. Subject only to the exceptions set forth in paragraph 32(2), all meetings of State Planning Agency supervisory boards, regional planning councils and local planning councils, including local Criminal Justice Coordinating Councils established under Section 301(b)(8) of the Act, shall be public meetings when any FINAL action is taken respecting:
 1. Approval of Comprehensive State Plans (or regional or local components thereof);
 2. Applications for an award of LEAA funds; or
 3. Other actions affecting the allocation or expenditure of LEAA funds.
- (b) Purpose. The open meeting requirements should be deemed to cover virtually all meetings of SPA supervisory boards, regional and local planning councils and Criminal Justice Coordinating Councils at which the general decision-making functions of these bodies are exercised. The purpose is to assure public access to meetings at which deliberations are conducted and final decisions made respecting the establishment of priorities, the approval of plans, the allocation or award of funds, or other significant functions in the implementation of the LEAA program.
- (c) Publicity. Any such meetings shall be preceded by publicized notice (e.g., newspaper, radio, bulletin, or newsletter) specifying the time and place of the meeting and the general nature of the business to be transacted, in such manner and form as shall reasonably enable interested persons to have knowledge of the meetings and to attend.

APPENDIX V

THE JUVENILE JUSTICE PROJECT OF NYAP

The National Youth Alternatives Project

The National Youth Alternatives Project (NYAP) is a nonprofit organization dedicated to the development of a variety of alternative human care services, particularly those which include client participation in the design and provision of service. NYAP provides several services, including: 1) the Youth Alternatives Clearinghouse, 2) mobilizing alternative agencies to impact public policy, 3) staff support to the National Network of Runaway and Youth Services, and to the National Federation of State Associations of Youth Service Bureaus, and 4) the preparation and distribution of various publications designed to aid youth workers in alternative human care services.

NYAP created the Juvenile Justice Project to work with alternative human care services to impact, at the state level, the implementation of the Juvenile Justice and Delinquency Prevention Act of 1974. These revised "Guides" is a product of the work of the Juvenile Justice Project. Their production and publication was made possible by support from the Lilly Endowment and the Ford Foundation.

The Work of the Juvenile Justice Project

The goal of the Juvenile Justice Project is to work with alternative human care services in impacting the implementation of the Juvenile Justice and Delinquency Prevention Act of 1974. The Juvenile Justice Project pursues two primary objectives in achieving this goal:

- 1) Information Dissemination:
 - a) Report alternative services efforts, both successful and unsuccessful, to provide input in planning and policy
 - b) Monitor funding decisions and the creation of structures and regulations for the Act's implementation
- 2) Strategy Formulation:
 - a) Identify and connect concerned persons and groups
 - b) Assist in the creation of specific action strategies
 - c) Develop an on-going system for monitoring state activity

APPENDIX VI

ISSUES IN YOUTH PARTICIPATION
ON LEAA STATE PLANNING AGENCIES

provide for an Advisory Group "at least one-third of whose members shall be under the age of 26 at the time of appointment"
Juvenile Justice Act

Meaningful youth participation in policy making has always been a difficult goal to realize. In a culture in which youth are relatively powerless, young people are seldom allowed experiences which give them a strong sense of confidence in themselves. Few opportunities for skill development through apprenticeship are afforded, particularly for youth who attain negative labels from the educational or juvenile justice systems. The youth members of Advisory Groups will be in the kind of active and responsible roles that young people are not accustomed to assuming. This raises some issues of concern.

Selecting Youth for the Advisory Groups: Obviously, there is no formula for selecting a young person who will be "perfect" for the Advisory Group. But it is important to remember that youth members will have much expected of them - they will be in there "playing the game" with experienced professionals (police, court personnel, bureaucrats). The person you nominate as a youth member should be able to articulate his ideas. The person ought to be one with self-confidence, so that he will not be easily intimidated (e.g. a person who may not understand what is going on, but is not afraid to ask). He ought to be able to conceptualize ideas. Be realistic - the job of a youth member is going to take time. Also, youth members may not be reimbursed for travel and food expenses incurred attending Advisory Group and subcommittee meetings.

Personal Support System: If a person you nominate is approved, it is important to support the person's work on the Advisory Group. You could offer clerical support. You might schedule regular meetings with the person. Be ready to respond to levels of frustration and impatience. Seek out supportive adults on the committees. You can probably do some skills sharing with the person - skills in communication, problem solving, decision making, conflict management, group skills, etc. Such skill sharing should help young people feel more comfortable in the "foreign environment" of Advisory Group and subcommittee meetings.

Other Concerns: Often, youth who sit on commissions like the Advisory Groups feel the burden of representing all youth. The struggle of "Who do I represent?" can be very draining. It takes time to realize that you can only represent yourself and your experience, but that you can advocate for other young people.

Expect that youth members may have problems dealing with government/social work jargon. Nothing is more intimidating than walking into a room and finding people speaking another language. (Can DYS prepare MBO's for its YSB's for the 718 Boards?) Breaking the youth barrier is one of the keys to youth members' learning the ropes of the game. You can be supportive in helping them do this.

Watch for youth members being excluded from the informal communications networks that get established within the Advisory Group. Because they may not be seen as "responsible", and because they may be seen as politically powerless, youth members may not be included in the friendship groups through which much of the Advisory Group's business will be informally conducted. If they are confident and assertive, and you are supportive, youth members should be able to overcome any unofficial exclusion from the Advisory Group's processes.

ISSUES IN YOUTH PARTICIPATION ON LEAA STATE PLANNING AGENCIES

*** provide for an Advisory Group "at least one-third of whose members shall be under the age of 26 at the time of appointment."—Juvenile Justice Act

Meaningful youth participation in policymaking has always been a difficult goal to realize. In a culture conveying powerlessness, a sense of not being able to control one's own life, young people seldom are allowed experiences which give them a strong sense of confidence in themselves. Few opportunities of apprenticeship for skill development are afforded, particularly for youth who attain negative labels from the educational or juvenile justice systems. Recommending youth to serve in these new, active roles goes counter to ingrained, passive roles they might be used to, and raises some issues of concern.

WHAT ARE YOU LOOKING FOR?

Obviously, there is no formula for the "perfect" youth. The role of youth participation on SPA's holds very high expectations—youth are in there "playing the game" with experienced professionals (police, court personnel, bureaucrats). A person should be able to articulate their ideas. Look for some degree of self-confidence, so the person will not easily be intimidated (for example, a person who may not understand what's going on, but is not afraid to ask). Look for someone able to handle ideas, having some conceptual skills. Be realistic—this commitment is going to take time. Possibly they won't be reimbursed for travel and food for either the meetings or the inevitable committee meetings.

PERSONAL SUPPORT SYSTEM

If a person you nominate is approved, there are some things you should do to support the person. You could offer clerical support. You might schedule regular intervals to meet with them. Be ready to respond to levels of frustration and impatience. Seek out supportive adults on the committees. You can probably do some skills sharing with the young person—skills in communication, problem solving, decisionmaking, conflict management, group skills, etc. Such skill sharing would help young people feel more comfortable in the "foreign environment" of such meetings.

OTHER CONCERNS

Often, youth feel the burden of responsibility of trying to represent all youth. The struggle of "Who do I represent?" can be very draining. It takes time to realize that you can only represent yourself and your experience, but that you can advocate for other youth concerns.

There can be nothing more intimidating than to walk into a room and find people speaking another language—"Can DYS prepare MBO's for its YSB's for the 718 Boards?" Breaking the language barrier is one of the keys to learning the ropes of the game, and you can be supportive in this.

A paternalism that sees youth as not yet responsible and a political reality that sees youth without power can both exclude youth from the circles of friendships that contain the informal communications system. And it is obviously not efficient to apprentice youth at these levels. If youth participation is to be meaningful, these processes must be dealt with.

NATIONAL NETWORK OF RUNAWAY AND YOUTH SERVICES

The National Network of Runaway and Youth Services is an association of over 50 youth centers spread across the country interested in providing and facilitating services for runaway, undomiciled, and troubled youth. We seek to promote responsive human services for runaways and their families, to coordinate existing services at the national and regional level, and to enable services to develop where none exist. We are a nonprofit organization with a National Steering Council made up of the 10 regional representatives from our

geographical regions plus an elected National Chairperson and a national staff person. The National Network was developed throughout 1974 and officially created at a national convention of over 50 runaway centers held in September 1974, outside of Pittsburgh.

During the past 8 years, runaway centers have sprung up around the country to meet the needs of transient youth. For the past 2 or 3 years, these centers have become aware of the advantages of sharing together through national, regional, and State conferences, of exchanging training materials, and of developing local linkages. Such endeavors have been facilitated by the *Directory of Runaway Centers* (published by National Youth Alternative Project) by the development of the National Runaway Switchboard (operated by Metro-Help of Chicago, funded by HEW), and by such newsletters as *Youth Alternatives*, *Youth Reporter*, *The National Exchange*, and our own *Network News*.

In January of this year, the National Steering Council met in Indianapolis for 2 days to study the many goals of the National Network and to hammer out priorities. Youth advocacy was declared the top priority. We are committed to seeing that the rights of youth are safeguarded and that their needs are met. We believe that young people are capable of making decisions that affect their own lives. In our counseling experiences, we have largely helped young people consider alternative solutions to their concerns and problems and assisted them in carrying out their decisions.

The Steering Council and staff have studied the Juvenile Justice and Delinquency Prevention Act of 1974. Recognizing the potential of youth involvement and youth worker input into the planning of this bill, the National Network is urging youth centers to network locally in their States and become involved in this planning process. As client (read: youth) participation is a criteria for organizational membership in the National Network, our centers will be active individually and collectively to help implement the objective of having youth participation in the JJDPa planning process.

As you know, title III, referred to as the Runaway Youth Act, is the only title of the act to have been funded. By our estimates, the \$4.3 million for direct services will probably reach between 15,000 to 20,000 runaways and their families in a year. This figure must be contrasted to the estimated 1 million youths who run away from home in the course of a year. Additional efforts must be made. The Steering Council of the National Network has passed a resolution to urge appropriation and expenditure of a minimum of \$8 million in fiscal year 1976 to implement the Runaway Youth Act.

We have a particular concern for the youth who are incarcerated or detained on the basis of status offenses. These "offenses" include running away, truancy, and incorrigibility and would not be considered offenses if committed by an adult. We applaud the limited steps that are being taken to deinstitutionalize status offenders. However, we would point out that even in those States where the laws have been changed, but no resources made available for community-based facilities, status offenders have been institutionalized in confined "treatment centers" or for "evaluation periods."

Although the National Network currently has a specific focus on services to runaways and their families, we have learned from our experience that crisis intervention services are not enough. Many runaway centers have developed into alternative youth service systems with new components being added all the time. A common problem for runaway centers is locating alternative living situations for the runaways who cannot or should not return home. There is a scarcity of group homes; it is difficult to recruit foster families who will take in adolescents. Runaway centers who refer as many as 20 percent of their cases to alternative living situations are looking to implementation of the JJDPa to develop needed community-based facilities. Runaway centers discover young people who need legal assistance, medical assistance, and educational assistance beyond what their schools or families seem to be able to provide. We look to the implementation of the JJDPa to develop these needed backup services.

We view the Juvenile Justice and Delinquency Prevention Act of 1974 as one of the most potentially important pieces of legislation in this area of national concern. We stand ready to assist local and national officials in implementing Public Law 93-415 to the fullest extent possible.

THE JUVENILE JUSTICE AND DELINQUENCY PREVENTIVE ACT: STRATEGIES ORGANIZING YOUTH SERVICES TO IMPACT ITS IMPLEMENTATION—A REPORT TO THE FORD FOUNDATION

OVERVIEW

In February, the Ford Foundation contracted with the National Youth Alternatives Project (NYAP) to report on the implementation of the Juvenile Justice and Delinquency Prevention Act (JJDPa) in three States. Specifically, NYAP was to assist locally controlled youth services in the three States in formulating and executing strategies to obtain youth and youth service input in the act's implementation on the State and local level.

The act, for the first time, calls to task the private sector in the restructuring of juvenile justice services. If a State chooses to participate in the act and receive Federal funds, it must provide for community input into policy formulation, youth participation on a juvenile justice advisory group, and youth services' participation in planning. States must also create new services for status offenders, who can no longer be institutionalized.

The case studies cover the 3-month period of March, April, and May. During this period emerging youth services in three States—Illinois, Massachusetts, and Florida—modified some tactics already underway and developed and tested new strategies. This paper reports on those strategies, assesses their effectiveness, and suggests new approaches.

The report assumes a familiarity with the conceptual framework in appendices I and II as background. It is outlined as follows:

OUTLINE OF REPORT

I. OVERVIEW

- A. Study for the Ford Foundation.
- B. Outline.
- C. Getting underway.

II. ILLINOIS, MASSACHUSETTS, FLORIDA: CASE STUDIES

- A. Background on the State.
- B. Strategy formulation and execution.
- C. Assessment of initial actions.

III. ANALYSIS OF ACTIVITY

- A. General assessment.
- B. Conclusion

APPENDICES

- I. Analysis of the JJDPa; Historical, Objectives, Potential Impact.
- II. NYAP's JJDPa Organizing Project.
- III. Federal Implementation of the JJDPa.
- IV. Youth Services: An Overview.
- V. NYAP Statement to Senate Subcommittee on Juvenile Delinquency.

Getting Underway

Of necessity this document reports on organizing efforts that were already underway before the three month period. It also includes background on those previous strategies, the political environs in which they were created, and the revision of those strategies. For a 3-month period, NYAP tracked: (1) The on-going development and strengthening of state networks of youth services who support the goals of the JJDPa, and (2) Youth services ability to participate in political processes of the JJDPa's implementation.

Unique situations existed in each of the three States we chose. Illinois had existing, apolitical youth service networks, some of which were interacting with the State's Dangerous Drugs Commission over licensing of community drug abuse services. In February, it was necessary to completely revise their JJDPa strategies after a false start. The politics of juvenile justice are complex in Illinois, with competing demands of well-organized vested interests.

Massachusetts, a State committed to deinstitutionalization, lacked input from youth services. A framework of State youth service network existed, but was not functional. By February, the energy of the organizers proved an important factor in choosing this State for the study.

Youth services in Florida were just beginning to organize themselves, and thus would be an example of attempted impact from the beginning. They had developed excellent contacts both with their State Planning Agency and the Governor's office, and provided an example of working the existing political machine to obtain progress.

The three State organizers were: Ms. Trish DeJean, Program Development, Youth Network Council, Chicago; Ms. Dale Rosen, Resource Development, Project Place, Boston; and Brian Dyak, Community Activities Coordinator, Hillsborough County Children Services, Tampa.

NYAP held a 2-day planning session with the organizers to share strategies and experiences and to clarify goals. To provide a fuller understanding of the JJDPa from the federal perspective, they also met with: Fred Nader, Acting Assistant Administrator, National Office of Juvenile Justice (LEAA); John Reitor, Chief Counsel, Senate Subcommittee To Investigate Juvenile Delinquency; and Chris Mould, Washington representative (lobbyist), National Board of the YMCA.

ILLINOIS

BACKGROUND DESCRIPTION OF PUBLIC STRUCTURES

Institutionally provided youth services in Illinois have been in a state of flux over the past few years. Labels on children proved ineffective as youth passed from mental health, to corrections, to children and family services, and some to Texas for "treatment". Inter and intra-agency rifts reached their peak during the tenure of Dr. Jerome Miller as Director of the Department of Children and Family Services. The means to provide alternative care and institutional change in Illinois have had only isolated pockets of success. The following are sketches of the institutions of government that youth services interacted with in this 3 month study.

Illinois Law Enforcement Commission

Created by Executive order and therefore controlled by the Governor, the Illinois Law Enforcement Commission (ILEC) is the State's criminal justice planning agency for the LEAA system. The Director, Dr. David Fogel, is a progressive criminal justice expert who was appointed after failing to obtain Senate approval as Director of the State's Department of Corrections. There are 23 Commissioners, including lawyers, police and court personnel, local officials, and perhaps four community people. The ILEC awarded \$2.3 million of its \$31 million in 1974 to juvenile justice. It considers the development of youth service bureaus a priority.

Regional planning units

ILEC created 19 local planning units to conduct proposals to its subcommittees for final approval. Controlled by conservative boards, no proposal is funded in a region without going through the RPU. The largest and most powerful unit is the Chicago-Cook County Criminal Justice Commission, serving 6 million people. It requires private agencies to co-apply with public agencies, thus allowing the Chicago Department of Human Resources to virtually control all juvenile justice funds in the city.

Department of corrections and department of children and family services

Both State agencies work with ILEC to develop and fund programs for alternatives to institutionalizing youth. In the past it was unclear which agency had jurisdiction over what youth, but now Corrections is responsible for delinquents and Children and Family Services for status offenses. The two agencies are just beginning to coordinate youth programming, and both Directors suffer the burden of being appointed by the Governor. Corrections has been involved in consolidating its control over its programs by attempting to phase out its Community Services Division, which has strong support in some cities.

Dangerous Drugs Commission

The State's single drug services agency with limited funds, it is the newest institutional player in Illinois politics. Semi-autonomous from the Governor and the Department of Mental Health, it came into the scope of this study by its efforts to license youth services providing drug abuse services. This struggle over standards had already occurred in Florida and Massachusetts.

Elected government

The Governor, an advertised populist Democrat, is often in conflict with Chicago's mayor, and Republicans and Chicago Democrats have on many occasions joined to limit his power. The legislature, divided into three factions of Chicago Democrats, downstate Democrats, and a strong Republican minority, is difficult to predict. For the most part, the legislature does not support the Governor, and has overridden a number of his vetoes.

BACKGROUND ON THE PRIVATE SECTOR

Illinois has more than its share of youth service networks and coalitions and they vary in effectiveness, scope, and size. Despite these organizational attempts, youth services have yet to significantly impact policymaking at either the State or the local levels.

Chicago alliance for collaborative effort

The Chicago Alliance for Collaborative Effort (CACE) was organized in 1973 to develop new methods by which private and public agencies could collaborate in planning human services. Composed of 18 public and established private agencies (Dept. of Human Resources, Juvenile Court, YMCA, Boy's Clubs), a priority of this forum is the development of a broad based youth services delivery system and the acquisition of resources to fill identified gaps in service. Its established political connections are difficult to underestimate.

Youth network council

Organized in 1972, it is composed of 40 youth crisis services that emerged in the metropolitan area. Their primary focus has been the creation and expansion of services to youth and youth centers, and have a legal project that has engaged in a number of suits on behalf of youth.

Alternative schools network

The most effective cooperative venture of alternative schools in the country, it has 37 schools working together on resource development, mutual support, and impacting the public school system. Formed 2 years ago, it also covers the metropolitan area.

Illinois Youth Service Bureau Association

One of eight in the Nation, it covers the State and its 26 members have all been funded by the ILEC at one time. Politically more experienced than the other networks, its focus has been on training, organizing itself internally, and lobbying for the funding of its members.

Illinois crisis network

Formed in 1973, it is a very loose organization of over 20 youth crisis services in the State, primarily hotlines. Their focus has been on training sessions for its members, and impacting the Dangerous Drugs Commission.

INITIAL STRATEGY FORMULATION

Illinois was the first State NYAP worked in last fall to impact the act's implementation, and thus no strategies had yet been tested. NYAP staff met with Dr. Jerome Miller in Baltimore last September. Miller, a consultant to the Illinois' Governor, was charged with drafting plans for the State's compliance with the act, and informed us of his need for nominations of young people for the advisory group as soon as possible. In October NYAP convened a meeting of representatives of the Youth Network Council, the Illinois Youth Service Bureau Association, and the Illinois Crisis Network. The act's implications and the opportunity for nominations for the advisory group were outlined.

The strategy that emerged was to (1) educate the membership of the three networks about the act's implications and opportunities, and (2) solicit youth nominations from the youth services. The representatives agreed to serve as a steering committee to collect and screen these names, producing two nominations from each network, believing their chances of success would be improved with fewer nominations in light of Dr. Miller's request.

In November, they met with Dr. Miller, presenting him with the nominations and finding him confident not only of Illinois' participation but also of the appointment of some of their nominations by January 1. He provided them with a copy of his plan for the State's compliance, calling for a strong Office of Juvenile Justice within the Illinois Law Enforcement Commission. Optimistic about this rapid progress and apparent success of initial strategies, youth services did nothing to support the nominations or to encourage Illinois' participation.

Regrouping

In February, NYAP met again with network representatives, which now included the alternative schools network after losing the Illinois Crisis Network due to lack of leadership. The meeting was to reassess the strategy and invite their participation in this documentation process. The original representatives had changed substantially, so it was decided to work through and expand the Youth Network Council's Juvenile Justice Task Force to include the other networks. The Joint Task Force was composed of 10 Youth Network Council members, a Youth Service Bureau Association member, and staff of the Alternative Schools Network. The Youth Network Council provided quartertime staffing for the group.

The February reassessment of strategy for impacting the JJDPA surfaced the following changes since November: (1) No funds were available or requested for the JJDPA at the Federal level; (2) Dr. Miller, the only contact with the Governor, left in January; (3) no progress on the advisory had been made, and there were rumors of Illinois' nonparticipation because of costs; and (4) the representatives of three networks had changed.

Clearly there was a need for a new strategy, and this reformulation was scheduled for March, after a statewide conference of youth services and the Washington briefing for the State organizer.

Youth services from around the State convened a few days after the reassessment to offer input into standards and licensing procedures for drug abuse programs to the State's Dangerous Drugs Commission (DDC). Initially it was believed the combining of youth services response to standards and their response to JJDPA implementation would be compatible. Youth services, however, were deeply divided about the role of the State in licensing, resulting in some polarization at the conference. NYAP presented the JJDPA and its implications for Illinois policy and funding issues. With a divided constituency, representatives from six regions and the existing youth service networks were to: (1) Follow up the DDC standards; (2) monitor the JJDPA at the State and local level; and (3) to share this information and act on it, youth service networks in the six regions were to be formed.

The second event that assisted the reformulation of strategy was the Washington briefing for the three State organizers. The briefing clarified goals, different approaches and strategies, as well as familiarizing them with federal efforts.

ONGOING STRATEGIES

In March, the Joint Juvenile Justice Task Force created a timeline for impacting the State. With a 9-month period for follow through, four main sets of goals and objectives for the first 3 months of March, April, and May were outlined. Assessment at the end of the 3 months activity would provide a new set of objectives for the next 6 months. The major impact was expected in the fall, the projected date for supplemental funding of the act to reach the State.

I. To gain Illinois' commitment to participation in the act

A. To send letters to the Governor and the Illinois Law Enforcement Commission urging ILEC be directed to prepare a plan.

B. To develop a contact in the Governor's Office as a source of information.

C. To heighten awareness of State legislators about the implications of the JJDPA for Illinois.

D. To document the felt needs of communities for more youth services.

II. To insure ILEC and its RPU's comply with required community juvenile justice representation

A. To meet with ILEC staff to determine what actions are being taken toward restructuring the Commission and its Regional Boards.

B. To determine whether alternative youth services should submit nominations for the Commission.

C. To secure lists of members of these Boards to evaluate compliance.

In response to the changed conditions, the following goals and objectives were identified for the first 3-month period:

III. To provide youth services' ongoing input into the State plan and the advisory group

A. To align alternative youth services more closely with traditional agencies for more effective input into ILEC.

B. To develop a relationship with the juvenile justice staff of ILEC for informal input and information access.

IV. To expand the coalition of youth services to monitor State activity and to advocate for State participation in JJDPA

A. To encourage the development of regional networks of youth serving agencies to broaden information sharing and joint advocacy.

B. To expand the Joint Juvenile Justice Task Force to include more organizations and coalitions.

C. To maintain contact with designated regional representatives.

EXECUTION OF STRATEGY

Three months proved to be a short period for the gearing up of youth services. Though most of the identified objectives were initiated, if not completed, by June, youth services seemed in little better position to impact the State. It was important to spend time not on impacting the Governor's decisionmaking nor on input to ILEC activity, but in building networks of youth services throughout the State and in making contact with traditional agencies and political systems. Youth services determined that strategies such as letter writing were not as important as the development of lobbying contacts and informal relationships with influential persons. Youth services realized the need to articulate their priorities for State juvenile justice programming and to document youth needs in their communities.

In relation to the planned goals and objectives for the 3-month period, the following developments occurred:

Goal 1: To gain Illinois' commitment to participation in the act

A contact was developed in the Governor's office, providing information about the State's attitude on participation. This contact helped maximize the impact of a letter to the Governor youth services sent urging the State's participation. Communication with State legislators was initiated through comment on two bills affecting juvenile justice in the Legislature.

Through conversations with the Governor's aide and the ILEC staff, we learned that the outlook was good for the State's participation. Neither was very interested in discussing the implications of the act until funds were appropriated for it however.

Two bills in the legislature were holding up the Governor's authorization of JJDPA participation. Republican Senators pressed a bill to remove control of the ILEC from the Governor and subject it to review of the legislature. The bill, a reaction against the ILEC Director appointed by the Governor, imposes conditions that do not comply with the required community participation on ILEC. Youth services, with a coalition of private and public agencies called Chicago Alliance for Collaborative Effort (CACE), lobbied

against the bill. Information from Chicago's democratic machine informed them that the bill would die in committee, and their efforts slackened. The bill passed the Senate, and might pass the House. It will be vetoed by the Governor, but could force him into other tradeoffs.

Youth services also lobbied actively against the second bill, which would create a separate Commission on Delinquency Prevention and create a computerized identification file on youthful offenders. The State Department of Corrections was slowly dismantling its Community Services Division, created over 30 years ago to assist communities in providing services to youth and ex-offenders. In order to survive, community services had a bill introduced to establish them separate from both corrections and the ILEC, and called in 30 years of political IOU's. Despite youth service efforts lobbying against the bill, it passed both Houses with enough votes to override a veto.

The Community Services Division was unaware of the JJDPa as it lobbied its bill through. Thus the bill creates confusion as to the role an advisory group on juvenile justice would play to the ILEC and how it would relate to the Commission on Delinquency Prevention—which does not meet the JJDPa requirements. Undoubtedly political battles for control of juvenile justice funds will occur between the ILEC and the new Commission.

Youth services quickly learned as they revised their strategies that the JJDPa does not exist in a political vacuum. The lobbying effort against the Commission on Juvenile Delinquency was ill-conceived.

Two objectives of goal No. 1 were not met. Communication with legislators began with the involvement with the two bills, but it is too sporadic to be functional yet. Time was not available to document the felt needs of communities for more resources for young people. Both are important resources for the ongoing strategy, and hopefully will be priorities in the next 3 months.

Goal 2: To insure ILEC and its RPU's comply with representation requirements

The Joint Juvenile Justice Task Force studied the list of people on ILEC and some of its 19 RPU boards. No nominations were made to either because of a perceived lack of clout and lack of staff resources necessary to achieve this.

ILEC staff informed youth services that nominations for restructuring the ILEC board had already been forwarded to the Governor who had not yet acted on them. Monitoring activity of the downstate RPU's has not been organized yet, as most downstate work has been focused on the DDC standards. Excellent information contracts were made with the Chicago-Cook County Criminal Justice Commission (4CJC), the RPU that covers 6 of the State's 11 million people.

Goal 3: To provide youth services' ongoing input into the State plan

This began with the alinement of youth services with traditional agencies. To participate in planning, youth services recognized the need to compensate for years of noninvolvement with Illinois' politics. To remedy this lack of clout and experience, the Task Force set about relating to a coalition of 18 private and public agencies well-connected to Chicago politics, CACE.

Alternative youth services had an ally from the YMCA on CACE who advocated for their participation on CACE's Juvenile Justice Task Force. CACE was interested in controlling juvenile justice policy for the Chicago area, and had the capability of achieving this. Youth services felt it important to monitor CACE's growth. Youth services and CACE are planning to co-sponsor a conference bringing together persons in Illinois who will be implementing the JJDPa with traditional and alternative youth services.

A working relationship with the ILEC juvenile justice staff developed over the 3-month period. Though the staff was more comfortable discussing funding proposals, they did provide helpful information on policy and State politics. The ILEC position on the JJDPa has been there is no staff time available for the development of the advisory group or the creation of a JJDPa plan. They are waiting for direction from the Governor, and for funding before proceeding with the act's planning.

Goal 4: To expand the coalition of youth services to monitor State activity

This task was more difficult than we realized in February. At the February drug standards conference 13 representatives were identified to serve as a statewide steering body for the drug standards and JJDPa issues. Telephone communication among the regions was the primary method of sharing information during the 3 months. A March meeting was postponed until the publication of the Standards by the Dangerous Drugs Commission.

Meanwhile representatives who served regions which did not have functioning networks began building regional coalitions. By May, three of the six regions were formalized and operational. The disparity of resource allocation between the rural areas and the metropolitan area has created resentment between service providers from these areas. This resentment surfaced at the February meeting, and was slowly worked through during the 3 months. Chicago youth services were initially viewed as empire builders.

Though representatives of the Illinois Youth Service Bureau Association attended the Joint Juvenile Justice Task Force meetings, the association itself did not cooperate in carrying out the objectives for the first 3 month period. In the last of April when rumors of possible supplemental funding for the act in fiscal year 1975 circulated, youth service bureaus began to indicate a renewed interest in the coalition efforts.

In May, the DDC standards were published. Youth services were actively sharing their response across the regions, and the statewide steering committee scheduled a June meeting on the standards, the JJDPa implementation, and on organizing the State.

ASSESSMENT

The complete revision of strategy in March after 3-month false start was a significant and planned renewal of youth services' efforts to obtain input. In retrospect, youth services would have benefited from more ambitious objectives and timelines in their interactions with the ILEC. Without funding for the act and with a legislature attempting to restructure them, the agency moved very little and received no direction from the Governor.

The attempt to organize youth services by combining the two issues of DDC Standards and the JJDPa implementation was not completely successful. NYAP underestimated the intensity of youth service involvement with the standards, and its compatibility with JJDPa organizing. We lacked the staff to have the act's implementation be a primary agenda item of many youth services during this 3 months, which coincided with the closure of the Standards project.

We found ourselves in the unfavorable position of attempting to overcome suspicion of State government as well as bridging differences between rural downstate and the urban youth services. They both became more keenly aware of their powerlessness to affect State policy through both the Standards and JJDPa issues, and have expressed a willingness to set aside their differences in an attempt to impact State policy.

The Joint Juvenile Justice Task Force is noticeably more politically sophisticated now. They developed an information system to track State legislation and respond to it, as well as tracking the maze of State and private programs related to juvenile justice. Much of this sophistication grew from the initial underestimation of the complexity of State politics, which inter-relate the act's implementation to a broader range of activity. The act does not exist in a vacuum as the initial strategy virtually assumed and cannot be pursued with tunnel vision. With youth services now plugged into legislative and political processes, they are in a better position to formulate strategies.

NYAP misperceived the interests and abilities of the Illinois organizer to do political organizing. Some progress was lost as the roles related to leadership and decisionmaking between the organizer and the Joint Juvenile Justice Task Force were informally worked out. This loss of progress is reflected in the objectives, which allowed for a passive relationship with the ILEC.

CONTINUED

5 OF 6

MASSACHUSETTS

BACKGROUND DESCRIPTION OF PUBLIC STRUCTURES

Three years ago, Massachusetts embarked on a program of deinstitutionalization of juvenile services. In 1972, the State training schools were closed down, and in 1973 the status offenses of runaway, truant, and stubborn children were decriminalized and youth were to receive care through a new Children In Need of Services (CINS) program. To date, only one lock-up facility remains for adjudicated offenders and a few youth awaiting designation as CINS. Retarded and emotionally disturbed youth, as well as youth within State hospitals, continue to receive services through large institutions.

To accomplish deinstitutionalization, the State committed itself to the establishment of alternative care services. The State moved from facilities it operated to purchase of service contracts with private agencies, allowing the State greater flexibility. No longer tied to supporting unsuccessful programs, they have the freedom to experiment on a short term basis with new concepts of treatment. However, Governor Dukakis is expected to cutback funds in the human services area, and with fewer dollars, the State tends to support more conservative methods of service delivery. This can be expected to limit experimentation in treatment approaches.

Commission on Criminal Justice

The Commission on Criminal Justice (CCJ), the State planning agency for the LEAA system, is overwhelmingly dominated by law enforcement (27 of 40). Community representation is minimal at 6. The CCJ has historically been autonomous, guided by liberal staff under a director appointed by the Governor. Juvenile expenditures for diversion and other programs is 16 percent of the CCJ budget, reflecting the low priority of juvenile services. A few Commission members have been unsuccessful in their efforts to make this 40 percent, the actual percentages of crimes by juveniles. The staff, working with Commission Task Forces, prepare sections of the State plan for CCJ approval. The staff is influential, mapping out general policy guidelines with special interest groups.

The Attorney General has chaired the CCJ, exerting considerable influence. Presently, the Governor appears to be subverting the Attorney General's power by imposing the leadership of the Commissioner of Public Safety, his appointee. This is a political move to undercut the Attorney General as a potential election opponent. While the Commissioner of Public Safety has shown an interest in the JJDP, he is a law enforcement advocate, and his commitment to alternative care is limited, at best.

Regional planning units

Massachusetts has six city planning units and one covering the Western region of the State. Depending on the clout of each city and its mayor, they have varying degrees of power and influence. In general, these planning units receive program guidelines and funding allotments from the CCJ, retaining sign-off power over proposals from their areas. From these policies, they decide which proposals are forwarded to CCJ for its approval. Recently, the Boston planning unit was taken over by the CCJ for negligent fiscal management.

Office for children

The former Governor set up the Office For Children to coordinate all services to youth under 17. Unfortunately, OFC has received neither the funds nor the power to realize its mandate. Consolidation of all State programs for youth is under investigation.

BACKGROUND ON PRIVATE SECTOR

The State's movement to purchase of service contracts precipitated the involvement of youth services in deinstitutionalization and in part legitimized their programs. The contracts also allowed youth services to work coopera-

tively rather than compete for scarce resources. This was not the only issue youth services responded to by forming coalitions.

A statewide network, Massachusetts Association of Self Help programs (MASH) was created in response to State policy on drug abuse service standards. It was encouraged by Dr. Matthew Dumont of the State's Department of Drug Rehabilitation, but never developed a lasting infrastructure to be effective.

The human service providers group was formed to develop strategies in response to State budget cuts. Neither group served as an effective network of youth services for deinstitutionalization, and neither was seen as the vehicle to organize youth services to respond to the JJDP.

Youth services' response to State drug policies developed their experience in working together through MASH, and developed a familiarity at working the State system to accomplish their goals. While MASH may have lost some of its effectiveness as a youth service network, youth services still maintained contact with friendly legislators and State administrators. The self help programs of MASH had limited contact with more traditional youth services such as the YMCA and Boy's Club, however.

INITIAL STRATEGY FORMULATION

In December, a statewide meeting of youth services was held to discuss the implications of the JJDP and plan effective strategies to involve youth services in its implementation in Massachusetts. NYAP staff presented the act's goals and priorities, and identified four major areas for impacting the act's implementation: (1) the committee on criminal justice; (2) regional planning units; (3) the advisory group; and (4) the State planning process. We assessed the probability of successful impact in these areas and formulated these initial strategies.

1. Committee on Criminal Justice

We assumed that by improving community and youth representation on the CCJ, the act's implementation would assure increased funding for youth needs and greater protection of youth rights. Initially, our direct impact on the CCJ was considered improbable, as the state organizers had researched its structure and membership prior to the December meeting. From preliminary conversations with supportive staff it was clear that CCJ appointments were too political to attempt. The Governor was to make new appointments shortly, but we felt we did not have a broad enough base of support to compete with other special interests and State agencies. We considered advocating for additional seats to increase community representation but dropped this as the CCJ, with 40 members already, had difficulty working efficiently.

It made sense to us to pick a battle we had some chance of winning first, as a smaller victory with the advisory group would build a base of support and demonstrate political skills to be reckoned with. It was decided that representatives in Boston would continue to maintain contact with the CCJ.

2. Regional Planning Units

In December, the RPUs were unknown entities to us. It was unclear what power, if any, they had to influence state policy and whether improving community and youth service representation would be important. Regional representatives from youth services were asked to investigate RPUs in their areas. By February we learned of their lack of direct power, and due to insufficient time and staff abandoned efforts at impacting them during this period.

3. Advisory Group

The act's advisory group clearly offered us the easiest access route for impact because: (a) It was a new committee few people knew about; (b) the State, waiting for the act's funding, had yet to develop any policy about selection or duties of this group; and (c) youth services were in good position to nominate youth under 26.

We assumed that competition for candidates to the advisory would not be as intense as for the CCJ or RPUs, and that by offering the CCJ our cooperation in finding qualified people we might influence their selection. Although the advisory itself had no clearly defined decisionmaking role it was assumed

that the presence of active youth advocates on the advisory could increase its influence with the CCJ, which had ultimate decisionmaking power. It was decided that regional representatives would compile lists of candidates for the advisory and we would present these names to the Governor as nominations.

4. State Planning

We recognized that influencing the State plan would only be possible for us if we achieved greater youth and youth service representation on the CCJ, RPU's, and the advisory group. As a political force youth services did not have the necessary organization or political alliances with more powerful private agencies (YMCA, Boy's Club, etc.). Emerging youth services did not trust the older, more influential youth services to advocate for them.

The CCJ developed the State plan, and we did not yet have the power to influence its composition. There was no direct way to influence the creation of the State plan open to us, other than through the advisory group.

Our initial strategy then was to concentrate our efforts on securing strong candidates for the advisory. We hoped that many of our candidates would be accepted, since we had done the Governor's work for him and gotten a jump on other State agencies and special interest groups by submitting names in January. We assumed these candidates would be able to advance for the act's implementation serving the needs of youth.

On-Going Strategies

Two meetings with regional representatives were held in January. They had collected over 80 nominations for the advisory, and did not have time to investigate their local RPU's. After a second meeting, we learned from the CCJ that the JJDP was not a priority as it was without funding. We contacted State legislators and two State agencies, informing them of the act and requesting their support of our nominations. A letter to the Governor requested no appointments be made until he received our nominations and asked for a meeting to discuss the act and the duties of the advisory. The Governor responded, requesting the nominations but making no promises to use them and not mentioning a meeting. Recognizing the need for a contact in his office, we secured a meeting with the chief assistant to the Governor, a former director of the office for children.

After our third meeting, we pursued two objectives: first, to increase the power of the advisory, and second, to maintain control of the selection process.

Increase the Advisory's Power

Our first plan was to have the CCJ's juvenile delinquency task force, comprised of members supportive of youth interests, serve as the nucleus of the advisory. We assumed this cross representation would be more powerful linkage between the advisory and the CCJ. If vacancies were to open on the CCJ, advisory members might be asked to fill them.

The second task was to obtain a voice in defining what powers the advisory was to have. We felt this agenda was best achieved in tandem with controlling the selection process.

Controlling the Selection Process

The Governor made no commitment to utilize our nominations, and we assumed many other nominations would be forthcoming from other groups. By March we did not have the lead time we had in December, as no apparent progress was being made on the act's implementation. We decided to advocate for the creation of a screening board to review all nominations. We narrowed our list from over 80 to 33, the expected size of the advisory.

We met with the Governor's assistant to urge the screening board be accepted, noting it would take time to screen and orient advisory members to the State's juvenile justice systems, and politics. We assumed he was an ally, informed about the act and interested in its implementation. Not being well informed, he deferred to the attorney general (Chairperson of the CCJ) and the CCJ's director, saying he had no influence in this area. He did arrange a meeting for us with the assistant attorney general, who supported both the advisory and the screening board. His support was to give us invaluable credibility and access to important State officials.

We had already met with the CCJ's director to discuss cross representation. We had questions about his commitments to youth services, and did not trust him. As his office appeared to be centralizing the collection of nominations, we met again with him to discuss the screening board. He suggested a meeting of all interested parties, both public and private, who were making nominations. His agenda was to maintain control over the nominations by submitting them to the commissioner of public safety, who might end up as his boss.

Agreeing to the meeting, we supplied the director with a list of groups we felt should participate. The necessity of maintaining a strong role in the selection process was even more clear now. A whirlwind campaign of visits and telephone calls to the interested parties assured support for the screening board, thus scuttling the proposal to send nominations to the commissioner of public safety. As a safeguard, we invited a sympathetic Boston Globe reporter to the meeting. The interested parties met and agreed not only to the screening board but also to recommend functions for the advisory.

Discarding Strategies

While promoting the screening board, we had a series of meetings with many States and private officials, increasing our understanding of the CCJ and its functioning.

The CCJ was created by legislation, and its composition could only be changed by legislation. Our cross representation strategy would therefore not improve community representation on the CCJ unless we could effect a legislative amendment, something we did not have the staff to attempt.

By including the CCJ juvenile delinquency task force on the advisory, we would limit the number of community seats on the advisory, filling them with people already supportive of youth. Their membership on the advisory would not in reality increase the power of the advisory, as most decisions would be made by the CCJ.

Therefore, by mid-February we stopped trying to influence the CCJ composition, and focused energy on the advisory. In April the Governor made his appointments to the CCJ, not listening to any special interests or State agencies.

Approval of the Selection Process

The director of the CCJ was forced to resign before the approval of the screening board was complete. With his resignation, the board needed new sponsorship. The organizers obtained the sponsorship of the attorney general and the commissioner of public safety, who reconvened the interested parties to a meeting with the organizers' agenda. With minor modification, the committee adopted the recommendations of the organizers for a screening process and functions for the advisory group. The interested parties at this point were composed of: acting director, CCJ, assistant attorney general, assistant to commissioner of public safety, director, division of youth services, League of Women Voters, alternative and traditional youth services, Massachusetts Juvenile Officers Association, Mayor's Committee on Criminal Justice (Boston), Boston Area Self-Help Coalition, Executive Office of Human Services (State), Director, Office For Children, and Director of Delinquency, Tufts New England Medical Center.

The recommendations will be sent to the Governor through the commissioner of public safety, which should give them their best chance of approval. Private agencies are asking the Governor to select candidates only from those recommended by the screening board. Without such a commitment, the board's work might be useless. The Governor's approval of the duties of the advisory would assure its active role in influencing the CCJ, as the advisory's duties allow it to recommend or not recommend funding for certain programs. The relationship between the CCJ and the advisory will have to evolve once the advisory is created.

We sought support for the recommendations from influential State legislators and other State agency officials to bolster our negotiating position with the Governor. Realizing it is unlikely he would accept all of the nominations, we are hoping to compromise between 50 percent and 70 percent acceptance. We are seeking to convene the advisory by the end of July to enable them to review fiscal year 1976 comprehensive State criminal justice plans, which include juvenile justice plans and are to be completed by August 15.

ASSESSMENT

After the interested parties group supported the creation of the screening board we made several errors. First, we did not list specific persons from agencies we wished to have, and representatives selected by agencies did not always attend meetings, hampering effective work by the committee. Second, we neglected to educate the members of the committee. Lacking this orientation, members could not participate constructively in the numerous meetings which CCJ quickly convened. This was allowing CCJ staff to succeed in their efforts to define a narrow role for the advisory during the first meetings. Third, feeling confident after the creation of the screening board, the coordinators refocused their time on their own jobs, and lost contact with each other for 3 weeks. Had not the director of the CCJ been forced to resign before the screening board planning was complete, the role of the advisory would probably have been more narrowly defined.

Dividing the State into regions with representatives of youth services worked effectively as they formed a steering committee and solicited nominations from youth services in their regions. Most of the leadership came from the Boston region, due to its proximity to government agencies. However, this single issue organizing approach has yet to produce a mechanism to continue to monitor the commission on criminal justice and its regional planning units. The interest of youth services to do this appears to be there.

In order to gain a voice on the CCJ, youth services will have to broaden their coalition efforts. After initial hesitation, the organizers did this, working to expand the interested parties to include traditional youth services.

The screening board idea was feasible, in part, by the financial resources of this contract which allowed the organizers to propose it knowing its expenses could be covered without depending on the CCJ or the Governor.

FLORIDA

BACKGROUND ON STATE STRUCTURES

State of Florida—Department of Administration—Division of Planning's Bureau of Criminal Justice Planning and Assistance

This Bureau serves as the State planning agency for the LEAA system. Its staff, one of the largest in the country, report not only to the Directors of the Division and the Department, but also to a supervisory board called the Governor's Commission on Criminal Justice Standards and Goals. The Bureau has a national reputation for its high turnover in directors, and is part of the most complex organization structure for an SPA that NYAP has found. Another reorganization of the Bureau is currently being studied.

The Commission on Criminal Justice Standards and Goals, chaired by the Lieutenant Governor, has 35 members, including local elected officials, enforcement and court personnel, and possibly two community representatives. It has six task forces, including one on juvenile delinquency. Leadership in planning comes from the staff, with Commission members having a strong influence on funding decisions for the \$20 million it allocated in fiscal year 1974.

Last year the Ad Hoc Committee on Criminal Justice was created to advise the Commission's Juvenile Delinquency Task Force. Neither the power nor the ongoing relationship of the Ad Hoc Committee to the Commission have been defined, but some plans have been offered. One plan calls for the creation of an Advisory Council to advise the Task Force, with the Advisory Council being further advised by the Ad Hoc Committee. Another plan calls for the Task Force becoming the uncreated advisory council, merging decision making with an advisory role in some fashion, and then having the Ad Hoc Committee also advise the Task Force. In either plan, one of the groups would comply with the requirements of the JJDP.

Regional Planning Units

The Bureau has ten regional planning councils and five metropolitan planning units. Often, staff of these develop plans compatible with the grant applications these boards wish funded. Grant applications must be reviewed by these boards, and if they are not approved they will not be funded at the State level. A preliminary review indicates these boards have very few community services represented on them.

BACKGROUND ON PRIVATE SECTOR

There has been an attempt by the Division of Youth Services to bring youth services in the State together. Alternative youth services, however, have been particularly isolated from each other, communicating on very few issues. The State imposed drug standards in 1973 with very little input from youth services, and your services failed to form any coordinated response to this issue.

Florida Youth Related Services Association

In 1970 the Division of Youth Services formed this Association from public agencies, enforcement and court personnel, and private youth services. Known as FYRSA, its board is composed of representatives from 11 regions and has local chapters in cities. Its primary function has been information sharing through its newsletter. Few chapters or youth services are active in it, and it is not strong statewide.

INITIAL STRATEGIES

Alternative youth services from around the State held a conference in December. NYAP presented the JJDP and its potential impact, and the Juvenile Justice Planner of the Bureau of Criminal Justice Planning and Assistance made a presentation on the Bureau's structure and operations. Staff from the State's Division of Youth Services made a presentation on its new training program and other division operations. Regional representatives were chosen to serve as a seven person Steering Committee, and Brian Dyak, the conference convenor, was designated State coordinator. The State divided into regions with two charges to the Steering Committee: (1) By February 1 create a process for making recommendations for the Advisory Council, using nominations of youth services to be submitted by February 10 and (2) Formulate a strategy for long term cooperative action.

By February 20 they were to have interviewed candidates, selected nominations, and obtained endorsements from 25 youth services. The nominations were to be submitted by the end of February. This timeline was to fall 3 weeks behind schedule.

Youth services were also encouraged to attend the meeting of their local planning units, and were provided the names and locations of the RPU staffs. Plans were discussed for making recommendations to the Bureau's supervisory board—Commission on Criminal Justice Standards and Goals—but a potential reorganization of the Bureau and a perceived lack of ability and time to effect this change postponed any work at this time.

The conference was our first main interaction with the Bureau's Juvenile Justice Planner. He proved helpful and supportive in explaining how the Bureau operated and could be impacted, and he was cognizant of the political nature of our efforts. Many youth services did not trust him initially, but as the Steering Committee and the coordinator interacted with him later, they found they were able to work together.

He informed the conference that the Bureau had created an Ad Hoc Committee on Juvenile Justice 5 months earlier, and invited some members to participate in their meeting later that month. The group was primarily government employees with whom he frequently consulted, and the Steering Committee agreed to send three people, including a high school student.

ONGOING STRATEGIES

In January, the State coordinator met informally with Jane Love, the Governor's assistant in charge of appointments to boards. One of Brian's coworkers was president of the Florida Democratic Womens Association and introduced them. Ms. Love, the one who would receive youth services' nominations for the advisory, proved extremely helpful, supplying information about policy directions, or the lack of them. Brian's coworker also introduced him to the attorney general, who was one of the more influential members of the Commission on Criminal Justice Standards and Goals and who was supportive of youth services involvement in the JJDP planning. His support was used to convince youth services of their potential impact and helped in working with other government people.

The full Steering Committee met in late February to review progress and contacts made. A letter from them went to youth services requesting support

for the nominations. Letters were sent to the Governor and the Attorney General informing them of the nominations that were being collected by youth services. The recommendations were to be sent to Ms. Love and to the Bureau Director.

A total of 28 nominations were made, half of them under 26 years of age. Some members of the Ad Hoc Committee on Juvenile Justice were included in the nominations, as youth services felt they were strong candidates for the government seats on the advisory. Twenty seven youth services endorse the slate of nominations. While the Red Cross, Junior League, YMCA, Boy's Club, and other groups submitted names also, alternative youth services provided well over half of all names received from the private sector. Frustration built among these youth services as three promised deadlines for the advisory appointments passed with no action being taken.

The Juvenile Justice Planner had been told in March to produce a list of recommendations for the Advisory Council. Our book of the résumés and 27 endorsements was the most complete set of papers he had to work from, and he contacted the State coordinator seeking more nominations to choose from. Youth services are now told that appointments will be made by June 30. The delays appear to be in the Bureau and the Commission, rather than the Governor's office. They are supposedly now under review by the Lieutenant Governor in his role as Chairperson of the Commission.

Ad Hoc Committee on Juvenile Justice

Youth services participation on this group was to compose the primary effort at long term monitoring of the JJDDPA implementation.

The Ad Hoc Committee was composed of 27 members, almost all employees of State or local government agencies related to youth services, education, or enforcement. Its purpose was to "facilitate comprehensive planning including formal juvenile justice efforts, specifically to develop recommendations for Federal, State, and local units of government, the private sector, and related youth service agencies for the effective utilization and implementation of prevention and diversion efforts." It was to "maintain its objectivity and integrity from varied interest groups" and "dissociate itself from those interests should the committee subvert its mission by becoming nothing more than a mouthpiece for vested interests."

The Bureau's Juvenile Justice Planner was the convenor for this group. He extended the invitation to youth services to participate without notifying committee members, who were visibly surprised by their attendance in December and January.

At the second meeting attended by youth services in January, the three of them formed the Subcommittee on Youth Participation to the Committee. January was also the beginning of a 1 year plan for the Ad Hoc Committee to produce recommendations on revisions in prevention and diversion efforts. The plan contained specific objectives to be achieved on a 12-month timeline.

The Ad Hoc Committee was to develop various concept papers on juvenile justice issues. At the February meeting, youth services and other representatives, concerned about the eventual impact of the group, questioned their potential effectiveness and lack of power. No conclusions were reached, but skepticism was aired.

The March meeting was canceled, and the Planner/convenor assigned to other tasks by the Bureau Director. The Director named no replacement, and the Ad Hoc Committee was not to meet again. The unacknowledged suspension of the group coincided with the decision by the Commission on Criminal Justice Standards and Goals to create a Task Force on Juvenile Delinquency as the Advisory Council. This timely suspension might have allowed Bureau staff to remove any potential incompatibilities between an existing Ad Hoc Committee and another formalized Task Force to be created by the Commission. (In June the Bureau Director told the Planner to reconvene the Ad Hoc Committee in July, presumably to pursue its original purpose.)

Other Activity

Youth services had to gain more familiarity with the Bureau and its planning units. A few members of the Steering Committee attended their local RPU meetings, but were met with disinterest and suspicion, leading in one case to an uncooperative relationship marked by hostility. Youth services in

another region, however, were successful in establishing communication and were able to recommend a local YMCA executive they had worked with to the regional review board. No decision has been made on this yet.

The Steering Committee met twice to assess strategy and make plans for a second statewide gathering. Plans were set in motion for the creation of a formal statewide youth service association, and by-laws were drafted. In March and in May the Steering Committee was expanded by adding representatives from Northwest and Northeast Florida, filling 9 of the 11 regions. The financial resources Florida received from this contracted study were used to pay some of the expenses of the coordinator and the Steering Committee's work and meetings, and some are to cover expenses for the second conference.

ASSESSMENT

The mechanism used to inform the Governor of the nominations was not particularly effective, as one booklet contained 27 endorsements rather than having 27 youth services send letters of support directly to the Governor. No formal response was ever obtained from the Governor, perhaps because of reliance on inside contacts.

Communication among steering members was difficult, as mailings were effective only for sharing news, not making plans. Telephone contact was difficult to make, as most members were also Directors of projects involved in other work.

Most youth services remained skeptical, if not unconvinced, of the reality of significantly impacting the Bureau of Criminal Justice Planning and Assistance policies. This will require an ongoing education and sharing of effective strategies in each location as the regional planning units become more important after guidelines and funds are released by LEAA. The use of student interns could possibly be of benefit doing some of the tedious background work.

The Juvenile Justice Planner had an initial credibility problem, improved it, but as promised deadlines passed it resurrected itself. He was generally careful in the information on internal politics of the Bureau, but the other information provided supported the development of strategies.

Generally, youth services had: Gained legitimacy with the Bureau for their work on the JJDDPA; created an awareness in the Governor's office and with the attorney general of private agencies concern about the JJDDPA; involved themselves in the planning being done by the Ad Hoc Committee; and developed communication among youth services about the Advisory and other issues related to the JJDDPA.

GENERAL ASSESSMENT

The most significant accomplishments in each State were as follows.

Illinois.—Youth services recognition of their need to participate in decision-making and acting on this by creating a task force that successfully educated itself to State politics and operation; and the expansion of networking efforts statewide among youth services and in Chicago with CACE.

Massachusetts.—The working relationship and credibility youth services established with numerous State officials and agencies; and activation of an informal State network of youth services, including the beginnings of working with traditional youth services.

Florida.—Laying the foundation of a statewide youth services network capable and experienced in advocacy at the State level; the legitimacy and credibility youth services attained with the Bureau of Criminal Justice Planning and Assistance through their involvement with the JJDDPA implementation.

One major objective is yet to be achieved. We do not have the majority of local youth services pursuing their right to participate in policymaking at the local and State levels. We further recognize that youth services merely battling their way into policymaking does not necessarily change the process of policymaking. It might just make youth services one more participant. It is unwise to assume that this accomplishment is institutional change—it is merely the system reforming itself.

Insuring State Participation

While no formal written guarantees were secured from the Governors during the 3-month period, considerable support for State participation in the act

was built. Staff of the Governor's Offices and SPA offices actively worked with youth services on actions for State participation in both Massachusetts and Florida, and less formally in Illinois. In all three States the issue of participation appears to be resolved. In each State, significant number of community agencies pressured SPA staff to initiate the act earlier than might otherwise have occurred.

Representation on SPAs and RPL's

Youth services feel a sense of powerlessness to impact on and achieve SPA appointments to decisionmaking positions. With limited clout, time, and resources they were forced to choose between objectives that appear reachable and those that did not. Regional planning units, with few exceptions in the metropolitan areas, fell out of the strategy when their lack of power became obvious. When block grants of the act which require greater community involvement are released, RPLs will become a functional part of State strategy to impact policy and funding. This 3-month period was prior to that event, which may occur later this year.

Representation on Advisory Groups

Without any funding and without guidelines, no State in the Union has committed itself to participation in the act, and only one State has created an advisory. The obvious tools to evaluate organizing efforts—success in obtaining appointments—are lacking. Progress must be found in the preliminary work required to obtain advisory appointments.

Illinois, after superficial initial success, had the farthest to move. Its work on building a stronger youth service coalition statewide and establishing contact with State agencies has no direct relationship to advisory appointments. Rather, it is the tedious work of positioning alternative youth service advocates among the established political powers controlling the State's youth service policymaking, and bartering from there.

Massachusetts youth services, using hard work and chutzpah, created openings in the State power system for themselves. They have made legitimate a screening process that pressures the Governor to accept a larger percentage of nominations that would normally occur. Even if the advisory is not empowered as youth services suggested it be, it will be closely followed.

Florida youth services, working two inside tracks, appear to be the single strongest private influence on the advisory in Florida. The organizer, regularly consulting with both the juvenile justice planner and the Governor's office, linked youth services with the State decisionmaking process.

Impacting State Plans

This 3-month period was premature to attempt to impact State planning efforts as no State planning occurred during this time span. Significant impact on State plans may not occur until later this year when States will be drafting juvenile justice plans for the act's requirements. Youth services in position to possibly impact the Safe Streets Act's planning processes this summer, even though SPAs are not required to consult them. Youth services in the three States established contact with their juvenile justice planners and two of the SPA directors, and are now more familiar with SPA functioning. They are effectively positioned to impact State planning if they can devote staff time to it and remain organized.

One of the purposes of this report to the Ford Foundation was to produce information useful to other youth services in organizing to impact the JJDP. With new information from the Federal Government, new strategies developed during this documentation process, and other information, NYAP is revising and updating its publication, *Juvenile Justice and Delinquency Prevention Act: Some Guides to Impacting Its Implementation Locally*. This technical document is a basic blueprint that reflects our evolved approaches to the subject, and is beyond the scope of this report. It will be available in July, and a draft copy will be forwarded to the Foundation. There are, however, several lessons from the 3-month study to highlight now.

Federal activity.—By coincidence, most of the Federal implementation of the act occurred during this study, after 6 months of slow progress. The speed and accuracy of information organizers received from NYAP helped them obtain credibility with Government officials, who did not obtain the same information through channels until weeks later. It assisted organizers in con-

vincing SPA staffs that the JJDP was indeed alive; and funds would be forthcoming.

Political groundwork.—State organizers developed contacts with SPA staff, Governor's offices, various elected officials and their staff, and other State agencies related to youth services. From these interactions their strategies evolved. Florida and Massachusetts made the best use of these contacts. Illinois youth services, faced with a powerful local planning unit and a influential private and public agency collaboration, focused on bringing youth services into the brokerage game.

Doing the States' work.—This tactic was used in both Florida and Massachusetts as youth services offered to do tedious tasks, gaining leverage and the ability to influence others. In Florida they assembled a book of nominations, while in Massachusetts they suggested the screening process and functions for the advisory.

"Speak for Yourself, . . ."—Youth services, not trusting anyone to speak for them, were required to advocate their own case with government officials. For this, they had to be prepared and educated—able to quote chapter and verse of the act. This was particularly true in Illinois and Massachusetts.

Allies.—Youth services worked hard to seek out trusted supporters within State agencies who would assist them with strategy and other contacts. By identifying internal politics and the players, allies aided the reformulation of tactics.

Orchestration of meetings.—This was well developed in Massachusetts, to the credit of their organizers. By knowing members interests, urging their support and attendance, and knowing organizational limits on people, youth services obtained their desired outcome. When allies attended these meetings, they were briefed beforehand on current information.

Timelines and resources.—This documentation would have benefited from placing the state's objectives on specific timelines, and revising them as needed. NYAP should play a stronger role in supervising the formulation of objectives and execution of strategy to obtain them, rather than the secondary consultant role of providing information and ideas. Realistic objectives depend on an accurate assessment of your volunteer resources.

CONCLUSION

The study demonstrated significant progress in organizing youth services statewide and in their ability to work within existing political structures and institutions. In the three states, they are knowledgeable of and in good position to impact juvenile justice systems.

The major resource that is lacking is sufficient staff time to develop this impact to its potential. In the next year there is too much work to be performed to rely solely on volunteers whose primary commitment is to their projects.

With the act's partial funding, and the likelihood of more funding late this summer, State governments will begin to plan for the Juvenile Justice Act's implementation. Whether youth services obtain the resources to become active participants remains to be seen.

APPENDIX I.—JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974: A BRIEF ANALYSIS

HISTORICAL

In February of 1972 Senator Bayh introduced the Juvenile Justice and Delinquency Prevention Act. Envisioning a Special White House Office, it was to curb the rising tide of delinquency with a \$1.5 billion budget. The next year he introduced essentially the same bill to the 93d Congress as S. 821. In March of 1974 it passed his subcommittee, giving HEW the operational mandate with a \$1 billion budget. In May, 1974, Senator Bayh was unable to muster the votes in the Senate Judiciary Committee to override Senator Braska's amendment to place the program in LEAA rather than HEW (8 to 5). HEW had testified against the bill, strengthening the supporters of LEAA.

On July 1, the House defeated an amendment to place the program in LEAA, 210 to 144, as it passed the bill 329 to 20. The Senate passed its ver-

sion, calling for LEAA to spend \$350 million over 3 years, 88 to 1. A Conference committee placed control in LEAA, which the Congress accepted. On September 7, 1974, the President signed the act into law, after HEW lobbied for its veto.

The result of the compromise was a piece of social service legislation, with citizen and youth participation in policymaking, falling under the auspices of a law enforcement agency unaccustomed to a private sector constituency and consumer participation.

OBJECTIVES

The JJDPa is the most comprehensive piece of juvenile justice legislation ever passed by Congress. Recognizing the growing dimensions of delinquency and its long range effects, Congress set out to: (1) Coordinate Federal efforts in this field, and evaluate them; (2) authorize deinstitutionalization of status offenders and experimentation with new programs in diversion and community-based treatment; (3) to maintain present LEAA spending at \$136 million, and increase the amount of funds available; and (4) to insure more input from juvenile justice into criminal justice priorities.

POTENTIAL IMPACT

For the first time, there will be a national office of juvenile justice working on the concerns and problems of the juvenile justice systems and attempting limited coordination of Federal services.

There now exist immediate and long term areas of impact in policymaking, spending, and improving the quality of services to youth. For those States participating, the act mandates new modes of policy formulation, policies likely to set trends and priorities in juvenile justice for the rest of the decade. The act allows: Community representation on policy boards; youth and private agency participation on advisory groups; and youth services' input into planning and priority setting.

The act outlines advanced techniques, many of them pioneered by alternative youth services, necessary for effective prevention and diversion. The act requires that status offenders (truants, runaways, etc.) be provided with shelter care rather than incarceration, and that youth charged with delinquent acts no longer have regular contact with adult prisoners. This necessitates a major reorganization of the States' juvenile justice systems, and many States can be expected to be reluctant to participate for financial and political reasons.

Youth, for the first time, are to be included in reviewing policies and priorities of the juvenile justice system. It remains to be seen whether the potential opportunities the act provides can be realized by youth serving agencies, and to what degree the LEAA system will be able to accommodate its new constituency.

APPENDIX II.—NATIONAL YOUTH ALTERNATIVES, JUVENILE JUSTICE ORGANIZING PROJECT: AN OVERVIEW

Since October of 1974, the National Youth Alternatives Project has been working with alternative services to impact State plans for the implementation of the Juvenile Justice and Delinquency Prevention Act (JJDPa). NYAP is particularly concerned with the act's provisions for block grants to States for comprehensive programs in the area of juvenile delinquency. To be funded, States must provide for community based, innovative prevention, diversion, and treatment programs, and must create new forms of community and youth participation in policy formulation.

Few efforts are being made, either by public or private interests, to insure that alternative youth services are to be included at any level of policy formulation, despite these small, independent agencies' proven success in delivering services to troubled youth. Alternative youth services need to develop a coordinated, state-wide response to opportunities of the new legislation.

The scope of work of this project is to assist alternative youth services in impacting State plans for the implementation of the JJDPa. This is achieved through two primary goals:

1. Information dissemination on Federal and State activity: (a) Monitor funding decisions and the creation of structures and regulations for the act's

implementation; (b) Report alternative agencies efforts, both successful and not, to provide input in planning and policy.

2. Strategy formulation: (a) Identify and connect concerned groups and individuals; (b) Assist in creation of specific action strategies; and (c) Develop an on-going monitoring system of State activity.

Working through existing services and networks of services, NYAP has focused its efforts on six potential points of impact at the State level, in areas of representation and planning. The act allows: (1) Private agency representation on State planning agency boards; (2) Private agency representation on regional planning unit boards; (3) Youth representation on advisory groups; (4) Private agency representation on advisory groups; (5) Private agency input into the State plan; and (6) Local government input into the State plan.

With limited resources, NYAP provides technical assistance to interested persons and groups. Initially, twelve states have been targeted for special impact: Oregon, Colorado, Texas, Minnesota, Illinois, Michigan, Ohio, Massachusetts, Connecticut, Maryland, Virginia, and Florida. NYAP is also working with youth services in the District of Columbia.

MONITORING LEAA

In addition to support of activities in three states, the Ford Foundation contract enabled NYAP to maintain a full time staff person monitoring the Federal efforts on the JJDPa, and interpret them for youth services in many states.

NYAP found the staff at LEAA initially suspect of private agencies. At first, NYAP was viewed as a "fringe group". As a system, LEAA and its staff are unaccustomed to being monitored by private sector agencies, particularly one that was pursuing no vested interest. From the beginning, NYAP was able to identify one common agenda of both it and LEAA staff, that was, the encouragement of as many States as possible to participate in the JJDPa. Both NYAP and LEAA staff recognize the importance of organizing youth services to apply various types of political pressures on their state governments to have them participate. Working on this common objective—rather than hustling them for funds, has developed a mutual respect between NYAP and the LEAA staff. They have provided us with their active cooperation and valuable assistance.

Specifically during this 3 month period, NYAP actively solicited guidelines from contact in LEAA, and disseminated them to youth services around the country with analysis of how to put these into action. In all but one case, NYAP was able to obtain guidelines in draft stages before they were circulated and published. The LEAA system is new to youth services, and was new to NYAP. Staff at many levels in LEAA provided us with assistance in interpreting the differentials between theory and practice in guidelines.

NYAP is working with two coalitions of national youth serving organizations in monitoring Federal efforts. NYAP staff chairs the Youth Development Cluster of the National Council of Organizations for Children and Youth. Flora Rothman, a member of the National Advisory Committee on Juvenile Justice, serves on the steering committee of that cluster informally. NYAP also works informally with the National Collaboration on Youth of the National Assembly. Both coalitions have been actively involved in monitoring appropriations processes and Federal efforts at implementation.

APPENDIX III.—JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974: FEDERAL IMPLEMENTATION

Upon signing the act last September, the President promised no new money would be requested for its implementation. The task of planning for the unfunded JJDPa fell to LEAA's Office of National Priority Programs—Juvenile Justice Section. The Juvenile Justice and Delinquency Prevention Operations task force was quickly created to draft guidelines and contingency plans, should money become available. It began planning the reprogramming of the Section existing uncommitted funds and coordinating efforts with the National Institute of Law Enforcement and Criminal Justice Juvenile Justice Section. LEAA sought and received approval from Congress and the Office of Management and Budget to reprogram up to \$20 million of "reverted" funds, money

returned to LEAA coffers that the States had not spent. True to his word, the President requested no funds in his new budget. This was the extent of the visible Federal implementation of the act through February, 6 months after it became law.

In early March, LEAA released guidelines on sec. 542, which required "citizen, professional, and community organizations" concerned with juvenile justice must be represented on the State policy making boards, whether or not money was available for JJDP. (NYAP made comments on the vagueness of the guidelines to the LEAA staff who wrote them.) About the same time, Senator Bayh announced he would hold oversight hearings on the lack of Federal efforts, and scheduled them for late April.

LEAA announced the long planned and much heralded deinstitutionalization grant program on March 17. This discretionary money was the first and only realignment of Federal money for the purposes of the JJDP, totalling \$8.5 million. (For these up to 10 grants, LEAA received 350 applications.) It appears to be about all their funds, for OMB had just rescinded its previous approval of the reverted funds for JJDP use.

On March 19, the White House announced the appointment of the National Advisory Commission on Juvenile Justice and Delinquency Prevention. NYAP met with other national youth organizations (Boy's Club, Girl's Club, YMCA, etc.) to make an assessment of the appointments and begin having local youth services contact them where possible.

On April 7, LEAA released draft guidelines on JJDP to its agencies. NYAP received them through its leadership of the Youth Development Cluster of the National Council of Organizations for Children and Youth. Members of the cluster sought and received the ability to comment on the guidelines before they would be published, a process known as "external clearance".

These guidelines, with an action analysis, were circulated to the 20 State contact people NYAP works with.

On April 22, the Federal Coordinating Council on Juvenile Justice—a Federal interagency group that was a dismal failure in its first incarnation, met for the first time, spending an hour with Attorney General Levi. Levi has turned out to be the most prestigious ally of youth services in the administration.

On April 25, the National Advisory Commission met for the first time, and NYAP staff met most of them. On April 28 LEAA formally created the National Office and the National Institute of Juvenile Justice and Delinquency Prevention. It was a token but important move, as it allows the staffing of these when funding becomes available.

On April 29, Senator Bayh held his hearings. He contested the administration on two major points, the funding of the act and the appointment of an administrator, setting precedent by calling OMB before his committee to answer for their actions on the "reverted funds". NYAP was requested to submit a written statement on the extent of the act's implementation locally. (See appendix V.) The significance of the hearings had nothing to do with what was said, but rather the fact that they were scheduled precipitated a major step in the act's implementation by LEAA.

On April 15, Congressman Hawkins, sponsor of the act in the House, requested and received House approval for a \$15 million supplemental appropriation for the act in fiscal year 1975. It was also learned in April that the House Budget Committee marked the act at the \$50 million level in its budget for fiscal year 1976. NYAP and other national youth organizations worked together on several strategies to influence the appropriations process.

The House's \$15 million request became \$35 in the Senate, supported by Senators Hruska and McClellan, among others. By the end of May, the House-Senate conference report agreed on \$25 million appropriation in fiscal year 1975 for the JJDP, with the stipulation that \$10 million be reverted LEAA funds used for staffing and gear up at the Federal level.

APPENDIX IV.—ALTERNATIVE YOUTH SERVICES: AN OVERVIEW

ILLINOIS

Prospectus serves a medium size city in the Northwest suburbs of Chicago. It is a counseling and crisis intervention program with one full-time person and two part time, plus 15 volunteers. Their primary focus is on the needs

of youth, but they respond to clients of all ages. The program also provides community education, referral services, and volunteer training. It participates in the Youth Network Council.

Northwest Youth Outreach provides services to adolescents and their families on Chicago's Northwest side through direct services and referrals. They provide counseling, outreach in schools and on the street, recreation, community education, crisis intervention, and legal and medical services. Affiliated with the YMCA, it was one of the first members of the Youth Network Council.

Alternatives Inc. serves Chicago far North side with a special emphasis on working with other community groups to provide resources to youth. The services it provides includes individual, group, and family counseling; outreach in the schools and on the street; recreational and educational programs such as printing groups, audio visual groups, ecology clubs; crisis intervention through telephone and walk in; street drug analysis service; and community education. In 1974 it received an award as the best drug program in the State.

Metro Help provides a 24-hour access point for information about services available to youth in the Chicago metropolitan area for both youth and youth workers. It also provides crisis intervention. Metro help also operates the national runaway switchboard which provides the same type of access point to runaway youth and runaway services around the country. Metro help was created by the members of the youth network council to complement their services.

MASSACHUSETTS

Project Place is a large, multi-faceted alternative social service program started in 1967 to provide crisis intervention and life-support counseling for young people in the Boston area. A self-governing work collective, Place now operates eight major service projects, all free of charge and all available to the greater Boston community: 24 hour hotline and drop in center for crisis intervention; emergency ambulance service; runaway houses for short- and long-term residents; free legal advice and referral; and counselor training programs. New community projects, which serve as a clearinghouse for information about communes and collectives in the Boston area, is also a Place service project. Place also has extensive files and referral information about the social service system and how it works.

Pre-Placement Program of Project Place is an example of one of these services. An intermediate (1 to 6 month) residential pre-placement program for young people (13-17) who need a secure and supportive environment where they can live while seeking alternatives to their previous living situations is its primary service. The program concentrates on helping clients to develop better communication skills, improving their ability to live in group situations by focusing on how their personal problems affect their interpersonal relationships, and what they can do about it. Positive reinforcement from the counselors and volunteers helps restore the client's self-confidence, relieving the feelings of failure and rejection that often accompany the separation of a child from the family or living group.

Deinstitutionalization in Massachusetts has produced new treatment programs for youth. The Department of Youth Services is currently negotiating with community youth services to provide a special program aimed at serving seriously troubled young women.

The program is to address the needs these women have for advocacy within a system which perceives all female misbehavior in terms of actual or potential promiscuity. Funds will be available to research and obtain jobs, school placements, or long-term foster care situations for these women. The program is to have a comprehensive information and referral system to connect the women with resources; a street work and counselor component working to strengthen and stabilize the family and home situations; and an emergency shelter care component. The program is an example of the specialized services that follow from removing youth from institutions, and placing them in community services.

FLORIDA

Miami Switchboard is primarily a crisis intervention and referral system funded with drug abuse moneys. In addition to establishing cooperative relationships with other agencies in the metropolitan area, it provides problem

pregnancy counselors, medical crew for drug rescue, 24-hour hotline, temporary shelter and counseling for runaways, and training.

Jacksonville Transient Youth Center is a runaway service funded by LEAA funds serving Northeast Florida. In addition to referral for some aftercare services, it provides food, shelter, counseling for youth and their families, medical and legal services, and transportation where necessary.

Tampa Youth Hostel serves transient youth by providing rooms, job referrals, employment counseling, medical and legal aid, and services to runaway youth. Funded by United Fund and sponsored by the YMCA, in 2 years it has served over 2,500 youth, both local and transient.

PART 3—RESOLUTIONS, LETTERS, AND ARTICLES

RESOLUTIONS

THE BOARD OF SUPERVISORS OF THE COUNTY OF ALAMEDA, STATE OF CALIFORNIA

The following resolution No. 160608, was adopted:

SUPPORT FUNDING—JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974

Whereas, Congress has enacted the Juvenile Justice and Delinquency Prevention Act of 1974 to further efforts to combat juvenile delinquency problems of the nation; and

Whereas, the act authorizes an appropriation for fiscal year 1975 of \$75 million and authorizes an appropriation for fiscal year 1976 of \$125 million; and

Whereas, the President is not seeking an appropriation for the remainder of the 1975 fiscal year or for the 1976 fiscal year; now, therefore, be it *Resolved* that the Alameda County Board of Supervisors does hereby support the Juvenile Justice and Delinquency Prevention Act of 1974 and recommends that funds be appropriated to put the act into effect; and be it further *Resolved* that this resolution be forwarded to the County's Washington representative.

Georgia Municipal Association Annual Meeting—a resolution by Mayor Maynard Jackson.

A RESOLUTION BY MAYOR MAYNARD JACKSON ON JUVENILE CRIME

Whereas, Congress has passed into law the Juvenile Justice and Delinquency Prevention Act of 1974; and

Whereas, this Act provides for the coordination of all Federal Delinquency Programs; and

Whereas, this Act addresses itself to the ever-growing problem of juvenile crime, both in the cities and States; and

Whereas, this Act creates an Office of Juvenile Justice and Delinquency Prevention within the Law Enforcement Assistance Administration (LEAA); and

Whereas, the Act creates a National Advisory Committee On Juvenile Justice and Delinquency Prevention to advise the LEAA on Federal programs; and

Whereas, this Act provides that 75 percent of newly authorized State funds must be expended on advanced "techniques" in developing and maintaining services to prevent juvenile delinquency, to divert juveniles from the juvenile justice system and to provide community-based alternatives to juvenile detention and correctional facilities; and

Whereas, Congress has authorized funds but has not fully appropriated such funding; and

Whereas, crimes committed by juveniles continue to increase in number and contribute to a growing atmosphere of public fear and animosity; and

Whereas, according to the Georgia State Crime Commission, in 1973, 33.7 percent of all index crimes (homicide, rape, robbery, aggravated assault, burglary, larceny, and auto theft) were committed by persons under the age of 18; and

Whereas, personal and property losses resulting from juvenile crime represents a growing economic burden to Georgia Taxpayers which does of itself contribute to this state's inflationary problems; and

Whereas, community crime prevention and rehabilitation efforts directed at juveniles continues to be underemphasized and underfunded; now, therefore, be it

Resolved that the Georgia Municipal Association urges the state and federal government to call for full appropriations in order to facilitate full implementation of the Juvenile Justice and Delinquency Prevention Act of 1974; and be it further

Resolved that the State of Georgia place high priority on programs that are viable alternatives to the current juvenile system.

GERALD R. FORD
President,
United States of America,
White House,
Washington, D.C.

MARCH 12, 1975.

Subject: Second National Conference on Juvenile Justice, New Orleans, La.

DEAR MR. PRESIDENT: I have been asked to forward to you a resolution adopted today by the participants of the Second National Conference on Juvenile Justice, which you will find enclosed.

Our conference is sponsored by the National Council of Juvenile Court Judges and the National District Attorneys Association. There are about 800 persons in attendance, representing diverse disciplines from all parts of our Nation.

We believe that delinquency prevention and control is a burning and critical social issue, and that an urgent need exists to develop a national strategy and priority as proposed in S. 821 and adopted by overwhelming majorities in the Senate and House of Representatives last year.

We will be deeply appreciative of any aid and assistance you might give to implement the legislation in a prompt and substantial manner.

With kindest regards for your consideration, I am

Yours sincerely,

ROBERT J. KINSEY,
Judge, Howard Circuit Court, Kokomo, Ind.
and Temporary Conference Chairman for Special Resolution.

Enclosure.

To: Gerald R. Ford, President, United States of America

RESOLUTION

SECOND NATIONAL CONFERENCE ON JUVENILE JUSTICE, NEW ORLEANS, LOUISIANA

Be it resolved, that the assembled participants of the Second National Conference on Juvenile Justice urge and petition the Congress to appropriate and the President to implement the immediate and full funding of the Juvenile Justice and Delinquency Prevention Act of 1974.

Adopted in general assembly by voice vote, March 12, 1975.

CRIMINAL JUSTICE COORDINATING COMMISSION,
MONTGOMERY COUNTY, MD.,
Rockville, Md., May 5, 1975.

HON. BIRCH BAYH,
U.S. Senate,
Senate Office Building,
Washington, D.C.

DEAR SENATOR BAYH: I am writing in connection with the Senate hearings currently being conducted in the area of juvenile justice, and especially relating to the Juvenile Delinquency Prevention Act.

Please be advised that the Montgomery County Criminal Justice Coordinating Commission, at its meeting on April 24, 1975, formally resolved to lend its support to efforts calling for full Federal funding under the act. The Commission felt that only with full funding can the act be expected to have its ultimate effect. I trust that this information will be of assistance to you and your fellow Senators in committee deliberations concerning this act.

Very truly yours,

DANIEL J. DOHERTY, Jr.,
Executive Director.

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MD.

Legislative session: 1975.

Presented by: The chairman (by request—county executive).

Introduced by: The county council.

Resolution: CR-23-1975.

Introduced by council on April 1, 1975.

A RESOLUTION

Whereas, the Law Enforcement Assistance Administration was created by Congress under the Omnibus Crime Control and Safe Streets Act of 1968 and later amended in 1970 and 1973, and

Whereas, the intent of Congress of the United States in adopting the said act was to aid States and local units of government in improving their criminal justice systems and in the prevention and control of crime, and

Whereas, the executive branch of government has indicated that they will seek a reduced appropriation for the law enforcement assistance administration program for fiscal year 1976, and

Whereas, the county council for Prince George's County recognizes the need for overall austerity in the fiscal year 1976 budget, however, the budget ignores the necessity for increased criminal justice control funds at the local level while leaving the Federal bureaucracy intact, and

Whereas, \$88 million of the proposed reduction of \$110 million is from the local passthrough funds to States and local units of government, and

Whereas, Law Enforcement Assistance Administration has indicated the level of expenditures will be greater than those funds appropriated in 1976 due to the carryover of funds from previous fiscal years or funds already in the pipeline, and

Whereas, Maryland, like many other States, will be further penalized due to its success in awarding all funds through fiscal year 1975 as directed by the congressional act, now, therefore

Be it resolved that Prince George's County Council strongly urges the Maryland congressional delegation to seek restoration of the local funds cut from the Law Enforcement Assistance Administration appropriation bill for fiscal year 1976.

Be it resolved that the Prince George's County congressional delegation seek means by which the States which have not expended their prior year's allocation be restricted and/or that such other States be provided additional funds from the unused or reversion category so as to alleviate the severe impact of this reduced appropriation.

Be it resolved that this resolution be transmitted to the Maryland congressional delegation, the Law Enforcement Assistance Administration and the Maryland Governor's Commission on Law Enforcement and the administration of justice programs.

Adopted this 8th day of April 1975.

FRANK P. CASULA,
Vice Chairman.

Attest: JEAN M. SCHMUHL, Clerk,

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MD.

Legislative session: 1975.

Presented by: The chairman (by request—county executive).

Introduced by: The county council.

Resolution No: CR-24-1975.

Introduced by council on April 1, 1975.

A RESOLUTION

Whereas, the Congress of the United States has enacted the Juvenile Delinquency Act of 1974 to further the efforts to effectively combat the juvenile delinquency problems of the Nation, and

Whereas, juveniles are increasingly involved in violent crimes: juvenile arrests for crimes of violence increased 193 percent in the last 10 years; and

Whereas, the population under 18 years of age, representing just 16 percent of the total U.S. population, commits over half the serious crimes. The juvenile court system spent \$1 billion to adjudicate juvenile crime and delinquency and sent 100,000 children to institutions last year. When they are released, 74 to 85 percent of them will be returned for new offenses; and

Whereas, the act proposed to help States and local government develop expertise and resources by funding comprehensive programs to keep children at home in their communities, and to strengthen a community's ability to meet the social needs of its youth; and

Whereas, the new Juvenile Delinquent Act authorizes an appropriation for the fiscal year 1975 of \$75 million and authorizes an appropriation for fiscal year 1976 of \$125 million; and

Whereas, the executive branch of government has indicated that it will not seek funds during fiscal year 1975 from Congress.

Be it further resolved that Prince George's County Council recommends that \$37.5 million be appropriated in fiscal year 1975 and the full authorized amount of \$125 million in fiscal year 1976, and urges Congress to take prompt action on this high priority matter that imparts the resources available to combat the problem of juvenile delinquency in the Nation.

Adopted this 8th day of April 1975.

FRANK P. CASULA,
Vice Chairman.

Attest: JEAN M. SCHMUHL, Clerk.

RESOLUTION

(By Commissioner Michalski, Wayne County, Mich.)

Whereas, the Congress of the United States enacted the Juvenile Delinquency Act of 1974 to further the efforts to effectively combat juvenile delinquency in the Nation, and

Whereas, the Juvenile Delinquency Act authorizes an appropriation for the fiscal year 1975 of \$75 million and further authorizes an appropriation for fiscal year 1976 of \$125 million, and

Whereas, the executive branch of government has indicated that it will not seek funds during fiscal year 1975 for funding of said act, now, therefore, be it

Resolved, by the board of commissioners of the county of Wayne this 20th day of February 1975, that the Wayne County congressional delegation be, and it hereby is urged to seek an appropriation in the amount of \$37.5 million in fiscal year 1975 and the full authorized amount of \$125 million in fiscal year 1976 to properly fund the Juvenile Delinquency Act of 1974.

DETROIT-WAYNE COUNTY, MICH., CRIMINAL JUSTICE SYSTEM
COORDINATING COUNCIL RESOLUTION

FUNDING OF JUVENILE DELINQUENCY ACT OF 1974

Whereas, Congress has enacted the Juvenile Delinquency Act of 1974 to further the efforts to effectively combat the juvenile delinquency problems of the Nation, and

Whereas, the new Juvenile Delinquency Act authorizes an appropriation for the fiscal year 1975 of \$75 million and authorizes an appropriation for fiscal year 1976 of \$125 million, and

Whereas, the executive branch of government has indicated that they will not seek funds during fiscal year 1975 from Congress, and therefore be it,

Resolved that the Detroit-Wayne County Criminal Justice System Coordinating Council wishes to express its concern to the Michigan congressional delegation and be it further,

Resolved that the Detroit-Wayne County Criminal Justice System Coordinating Council at its meeting on December 6, 1974 considered this matter and recommends that \$37.5 million be appropriated in fiscal year 1975 and the full authorized amount of \$125 million in fiscal year 1976, and urges Congress to take prompt action on this high priority matter that impacts the resources available to combat the problem of juvenile delinquency in the Nation.

RENSSELAER COUNTY DEPARTMENT FOR YOUTH,
Troy, N.Y., April 18, 1975.

Mr. DON MURRAY,
Criminal Justice Project,
National Association of Counties,
Washington, D.C.

DEAR MR. MURRAY, Please be advised that the advisory board of the Rensselaer County Department for Youth has unanimously adopted a resolution in support of the National Association of Counties in reference to the Juvenile Justice and Delinquency Prevention Act of 1974.

We totally endorse and fully support your efforts to seek full funding to achieve maximum, energetic implementation of the provisions of this act which are of great need and critical importance to our efforts in developing solid delinquency prevention services for our young people.

Nothing short of a full commitment and total dedication of people and resources can achieve the goals of reversing the upward spiral of delinquency and youth crime by providing our young people with long overdue, vitally needed services to assist them with their problems and aid their development toward productive adult roles in our communities. This effort must receive the high priority it deserves and not the empty promises it has received. It is in the best interests of our youth and of our Nation that we make this commitment and give our support to your efforts.

Thanking you for your continued efforts and assuring you of our full cooperation, I remain,

Very truly yours,

SETH HONEYMAN, Chairman.

NATIONAL ASSOCIATION OF COUNTIES RESOLUTION

Adopted unanimously by Crime and Public Safety Steering Committee, National Association of Counties, Washington, D.C., February 25, 1975.

JUVENILE JUSTICE AND DELINQUENCY PREVENTION

Juveniles are increasingly involved in violent crime: juvenile arrests for crimes of violence increased 193 percent in the last 10 years. Their arrests for crimes against property increased 99 percent.

The population under 18 years of age, representing just 16 percent of the total U.S. population, commits over half the serious crimes. The juvenile court spent \$1 billion to adjudicate juvenile crime and delinquency, and sent 100,000 children to institutions last year. When they are released, 74 to 85 percent of them will be returned for new offenses.

Not all offenses that bring juveniles to the attention of the court are criminal—some are only considered sanctionable if committed by someone under 18. Juveniles who have committed these "status offenses" make up 70 percent of the incarcerated female juveniles, and 23 percent of the incarcerated male juveniles. Both misbehaving and criminal juveniles are often held in the same institution, which may be the county jail for want of better facilities.

The Juvenile Justice and Delinquency Prevention Act of 1974 found that "States and local communities . . . do not presently have sufficient technical expertise or adequate resources to deal comprehensively with the problems of juvenile delinquency . . ." The act proposed to help States and local government develop expertise and resources by funding comprehensive programs to keep children at home in their communities, and to strengthen the communities' ability to meet the social needs of their youth.

President Ford approved the act, signing it into law, but asked that no money be appropriated to institute it. This action affirms and denies the Juvenile Justice and Delinquency Prevention Act of 1974 at the same time.

NACo affirms the purposes of the Act and firmly resolves that funds be appropriated to help local governments solve the problems of juvenile delinquency.

NACo recommends: That supplemental appropriations be provided immediately to institute the act in fiscal 1975 and that full authorization—\$125 million—be appropriated for fiscal 1976.

LETTERS

THE AMERICAN LEGION,
Washington, D.C., September 16, 1974.

Hon. BIRCH BAYH,
Chairman,
Subcommittee To Investigate Juvenile Delinquency,
Senate Committee on Judiciary,
Washington, D.C.

DEAR CHAIRMAN BAYH: On behalf of the American Legion, I want to thank you for your successful effort in steering legislation through the Congress calling for comprehensive improvements in the federal juvenile delinquency programs, including the problem of runaway youth.

S. 821, as amended to encompass the provisions of S. 3148, had the strong support of the American Legion as evidenced by our testimony to your subcommittee during the first session. We are grateful to you, your subcommittee and the full committee for your three years of effort which resulted in this legislation approved as Public Law 93-415.

Your continued cooperation with this organization is deeply appreciated.

Sincerely yours,

HERALD E. STRINGER,
Director, National Legislative Commission.

BOYS' CLUBS OF AMERICA,
New York, N.Y., August 14, 1974.

Hon. BIRCH BAYH,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BAYH: Congratulations must go to you on the outstanding way in which you gave the leadership for the passing of S. 821, the Juvenile Justice and Prevention Act of 1974.

Without any question your dynamic leadership, commitment and perseverance made the difference in having this legislation passed by such an overwhelming majority.

It was certainly good of you to mention in the Congressional Record the importance of our inter-agency collaboration on juvenile justice. Our group certainly believes in the provisions of the bill and all of us stand ready to do our best to work toward the elimination of juvenile delinquency as a major problem in our country.

Again, Senator Bayh, anything I can do on behalf of the collaboration or can do individually to help in this cause for juvenile decency please feel free to call on me.

My very best to you as always.

Cordially,

WILLIAM R. BRICKER,
National Director.

COMMUNITIES IN ACTION TOGETHER,
Washington, D.C., May 1, 1975.

Hon. BIRCH BAYH,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BAYH: Since the initial introduction of the juvenile justice bill, Community Action Agencies (CAAs) across the country have followed with great hope and enthusiasm its journey into law. As community-based

agencies mandated to advocate for and serve the interests of the poor whose children comprise the majority of our institutionalized population, we had a special interest in the fate of this legislation. Those who work in the criminal justice system have long known that institutionalization, especially of the young, neither reforms nor cures, but often destroys.

This hard reality, coupled with CAAs' contention, based on experience (in such programs as half way houses, manpower training and drug prevention) that alternatives can and have worked, leads us to the contention that this excellently conceived law, Public Law 93-415 must now be fully funded and carried out administratively to satisfy its broad potential and mandate.

The CAAs have defined four objectives for themselves in pursuing the spirit of the law. They plan to: develop a comprehensive system of monitoring juvenile programs, including correctional facilities (which would include all jails and detention facilities) to insure that acceptable standards are maintained; to develop alternatives to the existing system, that is, institutions of confinement and detention, in order that juveniles can be brought under the umbrella of community-based boards and programs; to develop programs that advocate juvenile justice, that is, provide for alternatives for detention or correctional institutions if the juvenile committed an offense similar to adult offenses that do not require incarceration; and open up the juvenile justice system to a more democratic community-based constituency, in order that programs can be coordinated and monitored by both the private and public sector.

CAAs know that community involvement in, responsibility to and advocacy for any problem in its life results in a positive reinforcement of the community and its individual members. We also know, perhaps better than most, that achieving change, whether of the individual's, institutional's or community's health, takes dollars and commitment—that a problem of this dimension requires substantial Federal dollars and a long-term Federal commitment.

We would like to take this opportunity to offer whatever assistance we can give as grass-roots advocates for the full-funding of this legislation. Community Action Agencies want to see this act achieve its intent. We commend your efforts to protect and further the interests of America's young and oppressed and hope that the Congress, the administration and LEAA will soon join with you, and with us, in facilitating this fine step in the right direction.

Sincerely,

WILBERT RUSSELL,
Chairman, National Community Action Agency,
Legislative Forum.

LAWRENCE F. PARACHINI, Jr.,
Executive Director,
Communities in Action Together.

DEPARTMENT OF HEALTH AND REHABILITATIVE SERVICES,
DIVISION OF YOUTH SERVICES,
Tallahassee, Fla., September 17, 1974.

HON. BIRCH BAYH,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BAYH: I commend you on authoring the recently passed Juvenile Justice and Delinquency Prevention Act. I think this is a great step forward in establishing and providing meaningful and effective community-based services to reduce delinquency and rehabilitate youthful offenders.

I am a major advocate of community-based treatment for youngsters in trouble. During the past 16 years, I have worked with children in trouble in Florida, and for the last 3 years I have been involved with and responsible for an exciting community-based treatment program for Florida kids. Three years ago, we had no family group homes for delinquent youngsters. Today, we have over 30 family group homes on a statewide basis.

These homes are not state operated, and these selected group home parents are unsalaried. We simply purchase service from them and reimburse them for maintenance and subsidy per child. These homes have an average of five children in each.

I am very proud to say that I played a part in getting this badly needed service for kids in Florida. This family group home program within the Florida Division of Youth Services, is an LEAA project and was recently submitted as an exemplary project for Florida. Exciting things are happening in Florida and kids are really making it in these tremendous family-operated group homes as opposed to unnecessary long-term and costly institutionalization.

I have taken the liberty to advise you of the many good things that are happening in Florida because of your concern and support for kids in trouble. I wish you had the opportunity to visit Florida and see this program. You would find it a refreshing change.

Respectfully,

ROBERT M. PETERSON,
Program Director, Family Group Homes.

FRIED, FRANK, HARRIS, SHIVER & KAMPELMAN,
Washington, D.C. April 23, 1975

Mr. JOHN M. RECTOR,
Chief Counsel,
Subcommittee on Juvenile Delinquency, U.S. Senate,
Washington, D. C.
Re: Nez Perce youth service system.

DEAR MR. RECTOR: Pursuant to our conversation today, I am enclosing herewith a copy of the LEAA General Counsel's legal opinion No. 75-24 relating to the eligibility of Indian tribes for discretionary grants under the 1973 act. I call your particular attention to the last full paragraph on page 2 of the program objectives, and not the law enforcement structures (tribal courts, opinion in which it is pointed out that the ability of the tribe to carry out police, legal codes, et cetera) established by the tribe, is the crucial factor in determining eligibility.

Also enclosed please find a copy of the most recent "rejection letter" from LEAA to the Nez Perce youth service systems. Please note particularly the first full paragraph on page 2 thereof, in which the program is criticized because it is not initiated by tribal police or a tribal court and because the Nez Perce have no tribal criminal code for juveniles. Again, LEAA seems to be putting form over substance. I suggested to Ms. Laner's at LEAA's region X that the eligibility of an Indian tribe for an LEAA discretionary grant was a matter for the Secretary of Interior to determine in the first instance. She would not be moved from the position that a tribal code, police, and courts were necessary elements for discretionary grants funding. Yet, for the Nez Perce's program, a tribal code, police and courts would be duplicative and superfluous. A criminal code, courts, and police are provided to the Nez Perce by the State of Idaho and the BIA. But that does not mean that the tribe lacks the ability to assist in crime prevention and rehabilitation among its young people.

As I explained to you, the future of the Nez Perce youth service system is in serious financial jeopardy. We believe that LEAA's current operational interpretation of the discretionary funding requirements, as expressed in Ms. Laner's letter, is a perversion of the intent of the Crime Control Act of 1973. Since no money has been provided to fund grants under the Juvenile Delinquency Act of 1974, the Nez Perce are very much "between the rock and the hard place" insofar as funding for their program is concerned. A new application for discretionary funding will soon be submitted. I hope that your upcoming conversations with officials at LEAA will clarify and correct that agency's position on this matter of what tribal structures are necessary. We shall, of course, be pleased to cooperate in providing any further information at our disposal in

this regard. I would greatly appreciate it if you would let me know how your discussions with the LEAA officials come out.

Sincerely yours,

JAY R. KRAEMER.

Enclosure.

LEGAL OPINION No. 75-24—ELIGIBILITY OF CALIFORNIA TRIBES FOR DF GRANTS

This is in response to a request regarding the eligibility of Indian tribes in California for LEAA discretionary fund grants.

Discretionary grants are authorized under part C of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by the Crime Control Act of 1973, Public Law 93-53, 87 Stat. 197, 42 U.S.C. §3701 et seq., and can be made only to: (1) States or combination of States; (2) local units of government or combination of local units of government; or (3) nonprofit organizations.

Discretionary grants are also authorized under part E of the Omnibus Crime Control and Safe Streets Act and can be made only to: (1) States; or (2) local units of government or combinations of local units of government.

Indian tribes have been conferred a special status by Congress under the Crime Control Act. Under Section 601(d) of the act an Indian tribe which performs law enforcement functions as determined by the Secretary of Interior is considered a unit of general local government and is automatically eligible for LEAA discretionary grants. Over 30 different Indian tribes in California have been determined by the Secretary of Interior to be units of general local government for the purpose of undertaking programs aimed at preventing adult and juvenile delinquency and adult and juvenile rehabilitation programs. California Indian tribes designated in 38 F.R. 101 of May 25, 1973, are eligible units of local government for discretionary funding in the areas of crime prevention and rehabilitation. These California Indian tribes would not be eligible as units of general local governments in programs for the employment of tribal police, in the courts or correctional functional areas since the Secretary of Interior has determined they have no criminal justice authority in these areas.

There is an administrative requirement in M 4500.1B that: "... crime prevention operations and activities on reservations are to be carried out by a duly authorized arm of the tribal criminal justice system" (chapter 8, paragraph 97b) and "Rehabilitation of offenders must be carried out by a duly authorized arm of the tribal criminal justice system" (chapter 8, paragraph 101c(3)).

These criteria have been established by the Administrator under his authority in section 501 of the act. The question then becomes whether this administrative requirement that the program must be carried out by a duly authorized arm of the tribal criminal justice system would preclude DF funding for crime prevention and rehabilitation programs if the California tribes are not considered duly authorized arms of the tribal criminal justice system. In fact, if the State, rather than the tribal entity, has jurisdiction for criminal justice activities, there probably is no duly authorized tribal criminal justice system.

There appears to be sound policy reasons for modifying this guideline for Indian tribes and your office may want to seek to have the cited portions of the DF guideline reevaluated to determine the necessity for a requirement that prevention programs must be carried out "by a duly authorized arm of the tribal criminal justice system." It would appear to be sufficient that the Indian tribe have the ability to carry out the program objectives for which funding is requested. In the case at hand, it would appear that the Secretary of Interior recognized the designated California Indian tribes as being able to undertake crime prevention and rehabilitation programs. Whether they are duly authorized arms of a tribal criminal justice system seems immaterial.

Please note that while it is true that in order to receive DF funds directly from LEAA, the recipient must qualify either as a governmental unit or under part C as a governmental unit or as a nonprofit organization, Indian tribes which may not have received the designation as a unit of local government nevertheless could be eligible to receive part C discretionary grants directly from LEAA if they are nonprofit organizations which many tribes are under various State laws. Indian tribes which are neither nonprofit organizations nor designated units of local government may still be eligible for DF grants if their applications are made on their behalf by and through the cognizant

State planning agency. Accordingly, State planning agencies must certify their willingness to accept such grants. (M 4500.1B, paragraph 8b.)

THOMAS J. MADDEN,
Assistant Administrator, General Counsel.

U.S. DEPARTMENT OF JUSTICE,
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION, REGION X,
Seattle, Wash., August 5, 1974.

Mr. CECIL THOMPSON,
Law Enforcement Planning Commission,
Statehouse, Capitol Annex No. 3,
Boise, Idaho.

Re: Nez Perce tribal youth service system, No. 0006-10-DF-75.

DEAR MR. THOMPSON, In reviewing this application for 1975 LEAA funds, I am quite aware that it is most similar to the fiscal year 1974 application submitted and not accepted.

A number of serious constraints exist on the possibility of considering this application for 1975. I am aware that you and other SPA staff, as well as the former LEAA Indian desk representative, have provided a great deal of technical assistance to tribal representatives and the potential project director. Mr. Marcinkowski, representatives of BIA and the tribe requested an appointment on August 2 to discuss such matters with this office but did not make the appointment.

In May 1972, the Attorney General and the Secretary of HEW entered into an interagency agreement whereby LEAA would administer prevention and rehabilitation programs within the correctional system and HEW would concentrate on those programs outside the correctional system. In addition, if a program or program area has been traditionally and comprehensively funded by other agencies, State planners would have to justify the need for use of LEAA funds for the same program. The presumption then, is that LEAA would fund prevention and rehabilitation programs for juveniles already within the system. Congress has noted that LEAA funds are not intended to supplant or subsidize other Federal programs, nor could they be expected to finance programs dealing with a full range of community problems. For the most part then, this application appears to be a more HEW-related project and the primary emphasis in the total application has been on youth in general, rather than specifically delinquent youth.

LEAA like HEW, uses discretionary funds to encourage implementation of new programs, but then requires local or State entities to take responsibility for successful programs. This project funded for 4 years by HEW for \$30,000-\$40,000 each year, is considered successful by the tribal council and yet no tribal funds have been set aside to continue the successful project.

In the guide for discretionary grant programs manual M4500.1B, Indian law enforcement program applications are to be developed and initiated by police, courts, or corrections components or provide assistance to more than one of these components to the tribal criminal justice system. The BIA law enforcement specialist has informed LEAA that there is not a Nez Perce criminal code per se, nor is there a tribal court. In addition, the BIA police on the Nez Perce reservation, do not handle any tribal law violations and, in fact, send minor crime violations to State courts. This seems to imply that there is not a law enforcement arm of the Nez Perce Tribe. If this is true, the tribe would not be eligible for receiving LEAA funds.

If the applicant can provide assurance that all previous problems can be resolved, it must also be shown that there is a need for such a program. The State of Idaho has two parole officers in this particular area which includes the total reservation responsibility and has three juvenile officers, one located at Lapwai, one at Orofino, and one at Nez Perce. In addition, an ASAP coordinator is at Coeur d'Alene, Idaho. The applicant would have to show without a doubt that these resources do not meet the needs of the youngsters on the reservation.

The applicant would also have to provide a complete evaluation of the previous project's success, particularly related to criminal justice. This report would have to include data showing that successes were directly related to that

program. For example, is the decline in numbers of offenses since 1972 a result of this previous effort, or do diversionary or alternatives to incarceration programs, halfway houses and volunteer placements exist as a result of the project's activities? In addition, such resources developed would have to directly relate to fewer institutional placements and referrals.

If the applicant can ascertain that this is a criminal justice project and that the tribe meets the basic requirements to be involved in a LEAA grant, a number of fiscal changes to the application would have to occur. From the number of crimes shown in the appendix, one doesn't know how many are caused by residivists which would give a better caseload count. In addition, those listed as truancy, curfew, and ungovernable are not true crimes. The total caseload count would then be extremely reduced, there would not be a need for two professional personnel and the assistant counselor position would be deleted. In addition, the program director's salary is listed at approximately \$2,000 higher than he had been receiving previously. In order for that kind of a raise to be approved, he would have to show that others doing the same job earn a like salary. Fringe benefits would be reduced appropriately and would have to show either a 13 percent rate or document the difference between that 13 percent and the 15 percent claimed.

The travel would be reduced, in that the assistant counselor's travel would be deleted. Local outreach volunteers category is not acceptable and would be deleted. Out-of-State travel would be deleted entirely.

Under equipment, it is assumed that if HEW has funded this for 4 years that desk, chairs, and file cabinets already exist and this amount would be deleted.

Under supplies, reproduction of program materials is listed at \$600 but there is no program material description. Without a description and other data, this amount would have to be deleted.

Under contractual, \$4,000 has been set aside to hire juveniles whose services are not clearly defined. Contractual regulations require a very clear definition of what the contractor will supply to the contractee. It would be recommended that this portion of this application should be totally deleted, as contacts with juveniles would be the responsibility of the project director.

Under category "other," environmental cleanup services would not be acceptable, and that amount of \$3,035 or \$3,036 would be deleted. The applicant has also failed to show the basis used in computing telephone expenses, which seem exceedingly high. Justification for telephone expenses of \$150 per month would have to be provided. The applicant has also failed to show the basis used in computing electrical expenses and some justification for electrical expenses for \$125 per month for a home-type dwelling would have to be provided.

General fiscal comments are that the applicant must specify which element of the criminal justice system he represents; he would have to provide a copy of the tribal criminal justice budget; and the SPA would have to assure the completion of the forms for this report, in that page 3 of the application has not been filled out. The applicant has indicated indirect costs of \$2,827, which would make a total cost for the grant of \$62,827 rather than the \$60,000 listed.

Your immediate relaying of this information to the Nez Perce Tribal Council and the prospective project director would be appreciated. A response to these concerns must be submitted and received in the regional office by August 28, 1974. In this point in time, the application would have to be rejected and unless additional and clarifying information is received, the preparation of rejection of this application will begin immediately after August 28.

If there are any questions, please feel free to contact me at this office, 206-442-4844.

Sincerely,

MIMI J. LANERS,
Idaho State Representative.

CITY OF INDIANAPOLIS,
Indianapolis, Ind., March 4, 1975

Senator BIRCH E. BAYH, Jr.,
Russell Office Building,
Washington, D. C.

DEAR SENATOR BAYH: I am writing you to support you in your efforts on behalf of the entire issue of juvenile justice. It is encouraging to know that there are some in high office who are sensitive to the social and economic condi-

tions that effect and shape the attitudes and behavior of adolescents in this nation. On the other hand, it is somewhat discouraging to learn that the issue of juvenile justice and delinquency prevention is given subordinate ranking in the political hierarchy of priorities.

A recent article in the Indianapolis Star suggests that you are aware of the Florida project and of the possibilities of that model effort in other major communities. The issue begs that we give serious consideration to the diversionary system which, while not addressing itself to the cause, at least provides remedial care and an opportunity for young people to avoid such things as negative labeling and deviancy categories.

If there is anything that we can do to encourage your colleagues or others of influence, please allow me to be of some assistance.

I hope that in the near future I may have an opportunity to discuss this and related items with you personally.

Sincerely yours,

DONALD W. CASHEN,
Administrator.

INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE, INC.,
Gaithersburg, Md., September 30, 1974.

Hon. BIRCH BAYH,
U. S. Senator, Indiana,
Senate Office Building,
Washington, D.C.

DEAR SENATOR BAYH: Thank you for your warm telegram of September 23, during the 81st annual conference.

The prevention of juvenile delinquency has been recognized as critical in our efforts to reduce crime in America. Thanks to your enlightened legislation, the prevention of juvenile crime and delinquency has become a top Federal priority.

With kind personal regards.

Sincerely,

FRANCIS B. LOONEY,
Immediate Past President.

INDIAN HILLS COMMUNITY COLLEGE,
Ottumwa, Iowa, February 21, 1975

Mr. JOHN M. RECTOR,
Staff Director and Chief Counsel,
Subcommittee To Investigate Juvenile Delinquency,
U.S. Senate,
Washington, D.C.

DEAR MR. RECTOR: On September 7, 1974, President Ford signed into law the Juvenile Justice and Delinquency Prevention Act of 1974 (Public Law 93-415). This legislation is a milestone in our Nation's attempt to combat juvenile crime. I wish to thank you for your support of the act. Your further support on two matters concerning this act would also be deeply appreciated.

First, as you are aware, the passage of this act set in motion the following chain of events:

1. The July 1, 1975, termination of all funding for delinquency prevention and control programs now being funded through the HEW Office of Youth Development. (These programs have a present annual expenditure rate of \$13,000,000.)
2. The administrative pick up of all delinquency prevention and control programs by the Law Enforcement Assistance Administration.
3. The lack of desire by the administration to appropriate funds to implement the act through LEAA.
4. The resulting death of most delinquency prevention and control programs across the country.

I urge you to continue your demonstration of support for juveniles justice needs by your commitment to reserve funding for implementation of the Juvenile Justice Act.

Second, the Department of Health, Education and Welfare is funding the Comprehensive Youth Services System in Iowa. The purpose of this program

is to provide coordinated youth services in order to more effectively provide services to children which we believe will decrease incidences of juvenile crime. As a result of the new act, all such funds have been transferred to the Law Enforcement Assistance Administration (Department of Justice). We have been working very closely with our State Law Enforcement Planning Agency, but unless guidelines establishing priority for programs such as ours are presented from the Federal level (LEAA), there is a distinct possibility that funding will cease on July 1, 1975, by virtue of an administrative control change. We believe the difficulty lies in the time of transition. Indeed, in all likelihood many programs receiving HEW funds, including ours, would be discontinued for a short period of time or to have LEAA request that such programs be recreated at the end of the transition period. This not only demonstrates fiscal irresponsibility in dissolving programs only to later request their reinstatement, but many months of work in creating the system will be wasted, at a cost to the taxpayers of approximately \$30,000,000 across the country; not to mention the loss of LEAA programs jointly funded by LEAA and HEW.

Thank you again for your continued support.

Sincerely,

DON BROSHAR,
Director, Youth Development Bureau.

BOARD OF COUNTY COMMISSIONERS,
Hennepin County Minn., April 28, 1975

Senator BIRCH BAYH,
Chairman, Subcommittee To Investigate Juvenile Delinquency,
Washington, D. C.

It has come to my attention that NACo will be testifying before a congressional committee on April 29 in support of legislation which would fund Public Law 93-415 for Juvenile Justice and Delinquency Prevention Act of 1974. We enthusiastically support the need for this legislation and the problems it seeks to address and urge you to impress upon the committee members the importance of appropriating the full amount of the bills authorization so that we in our community can begin immediately to address the critical problems that exists in the area of juvenile justice and delinquency prevention.

THOMAS E. TICEN,
Chairman.

NATIONAL CONFERENCE OF STATE LEGISLATURES,
OFFICE OF STATE FEDERAL RELATIONS,
Washington, D.C. April 24, 1975.

Senator BIRCH BAYH,
Chairman, Subcommittee To Investigate Juvenile Delinquency,
Committee on the Judiciary,
U.S. Senate
Washington, D. C.

DEAR SENATOR BAYH: On behalf of the National Conference of State Legislatures and the Task Force on Law Enforcement and Criminal Justice of our Intergovernmental Relations Committee I would like to reaffirm our support towards the implementation of the Juvenile Justice and Delinquency Prevention Act of 1974—PL 93-415. I would therefore ask that our position be included in the record for the hearings being conducted April 29, 1975.

The National Conference of State Legislatures has consistently expressed our concern for the inadequacy of Federal programs in this area. We feel this new legislation is the comprehensive approach necessary to deal with the complex problems of juvenile delinquency.

We are disappointed in the lack of funding for this act and the apparent unwillingness of the administration to request funds. We certainly feel this legislation should be funded at a level commensurate with its objectives. The Law Enforcement Assistance Administration and the State criminal justice planning agencies seem willing and able to carry out the purposes of PL 93-

415. The fact that LEAA had requested and the Congress approved the reprogramming of up to \$10 million of Safe Streets Act funds to begin implementation of portions of this act is evidence of their commitment. The delay by the Office of Management and Budget on the usage of these funds can only prevent this legislation from achieving its purposes. The decision not to fund this act is even more significant if considered in light of the rather drastic cut to the budget of LEAA which the administration has requested. If Congress does not appropriate funds for the Juvenile Delinquency Act and the President's budget request is accepted for the LEAA program, I think we can expect the reduction or elimination of many programs which are now going on in the States to reduce crime and improve the administration of justice.

It is for these reasons that we strongly urge Congress to effectuate the funding of programs for fiscal years 1975 and to appropriate sufficient funds for fiscal year 1976.

The work which you and this committee have accomplished in the juvenile delinquency area is laudable. We not only recognize the accomplishment of enacting PL 93-415 but also your continued commitment to its implementation, as evidenced by these hearings. Thank you in advance for your consideration of our views.

Sincerely,

CAL LEDBETTER, JR.,
Chairman, Law Enforcement and Criminal Justice Task Force.

NATIONAL COUNCIL OF JEWISH WOMEN,
New York, N.Y., August 27, 1974.

Senator BIRCH BAYH,
Russell Senate Office Building,
Washington, D. C.

DEAR SENATOR BAYH: Congratulations on the culmination of your years of effort for a stronger Federal juvenile justice program.

While the bill is perhaps not all you—or we—would consider ideal, it is a good one and represents great progress in this area.

We look forward to working with you for further improvement in future years.

Sincerely,

FLORA ROTHMAN,
Chairwoman, Justice For Children.

NATIONAL COUNCIL OF THE YOUNG MEN'S CHRISTIAN ASSOCIATIONS
OF THE UNITED STATES OF AMERICA,
New York, N.Y., October 1, 1974.

Hon. BIRCH BAYH,
U.S. Senate,
Washington, D. C.

DEAR SENATOR BAYH: With the signing into law of a comprehensive Juvenile Justice and Delinquency Prevention Act, we see the possibility of providing greater service to young people in great need. We hope that this legislation is implemented with adequate funding and strong administration to get the program properly installed and carried out in the States. We look to the Senate Subcommittee To Investigate Juvenile Delinquency to provide leadership and oversight in that work.

We want to express to you our appreciation of the leadership you demonstrated in seeing this legislation through 3 years of effort to its enactment. Although we are outsiders to the legislative process, we believe that S. 821 would not now be the law of the land without your determined leadership. We also wish to acknowledge gratefully the work of your subcommittee staff in keeping us informed of key issues and developments.

Many of the local affiliates of all of our agencies have followed the progress of this bill quite closely. As grass roots organizations, they knew the desperate need for reform of the juvenile justice system and the urgency of funding to

get alternative programs going. We are sure they join in congratulating you on this significant service to the young people of our country.

Sincerely,

ROBERT W. HARLAN,
*Executive Director,
Chairman, Interagency Collaboration on Youth.*

NEW JERSEY ASSOCIATION FOR CHILDREN WITH LEARNING DISABILITIES,
CAPE-ATLANTIC SECTION,
Linwood, N.J., September 3, 1974.

Senator BIRCH BAYH,
U.S. Senate,
Washington, D. C.

MY DEAR SENATOR BAYH: Thank you very much for the material you sent me on the Juvenile Justice and Runaway Youth Act.

May I take this opportunity to congratulate you on this fine piece of legislation. It must be more gratifying to see it reach this point after all the time and effort expended. Learning disabled and disadvantaged children are prime candidates for delinquency. We in the New Jersey Association for Children with Learning Disabilities deeply appreciate your concern and persistence on their behalf.

Sincerely,

BARBARA YEZEK,
Legislative Chairman.

RENSSELAER COUNTY DEPARTMENT FOR YOUTH,
Troy, N.Y., May 20, 1975.

Senator BIRCH BAYH,
Committee on the Judiciary,
Chairman, Subcommittee on Juvenile Delinquency,
U.S. Senate,
Washington, D. C.

DEAR SENATOR BAYH: Allow me to congratulate you on your efforts to promote the full funding and implementation of the Juvenile Justice and Delinquency Act of 1974.

As you know, our hopes and expectations were great last year with the far-reaching promise of that legislation. Those hopes, based not only on the breadth of the document and its promised funding but also, and equally important, on the Federal priority for delinquency prevention inherent in its adoption, were quickly and tragically dashed when no appropriation was made to implement the act.

We in local government desperately need a serious and high priority commitment of the Federal Government in the area of juvenile justice and delinquency prevention. Such a priority, reflected in the serious allocation of money, would provide much leadership and incentives to both States and counties to look with a critical eye at their efforts in this vital area of youth needs and delinquency prevention. Such a review would well inspire a similar raising of this issue as a higher priority concern.

We fully and enthusiastically endorse your efforts to promote and achieve the full funding of the JJDP of 1974. We further urge you, the most aggressive and energetic implementation of the provisions of that important legislation and assure you of our full, unqualified cooperation in doing so. We simply must give our young people more than empty promises and bring to them the kinds of services and programs they need to help them through their critical formative years. These youths in trouble need and are entitled to nothing less than the very best we have to offer. Implementation of this act is a most serious commitment and major steps in that direction.

I would also like to offer this letter into the official record of testimony regarding this most important piece of legislation.

Again thanking you for our efforts and assuring you of our full, unreserved support and cooperation, I remain,

Very truly yours,

JAMES E. GIRZONE,
Commissioner.

KING COUNTY COURTHOUSE,
Seattle, Wash., April 25, 1975.

Hon. BIRCH BAYH,
Chairman, Subcommittee To Investigate Juvenile Delinquency,
Committee on the Judiciary,
U.S. Senate,
Washington, D. C.

DEAR SENATOR BAYH: Youth in King County between the ages of 10-17 continue to be involved in a significant amount of delinquent and pre-delinquent activity. Communities are concerned about these problems and are seeking guidance and financial assistance in meeting them. For this reason I wanted to confirm my support for your subcommittee's work on the Juvenile Justice Act. It is my hope that an appropriation will be forthcoming so that the full intent of the legislation can begin to be realized.

Sincerely,

JOHN D. SPELLMAN,
County Executive.

ARTICLES

[From the Los Angeles Times, Mar. 18, 1975]

ADMINISTRATION REFUSES TO FINANCE DELINQUENCY FIGHT

DELAY IN NAMING ADMINISTRATOR ALSO SEEN AS MOVE COUNTER TO CONGRESSIONAL DIRECTIVE

(By Ronald J. Ostrow)

Washington—Despite a congressional mandate to accelerate the fight against juvenile delinquency, the Ford Administration is refusing to fund an expanded effort and may even forgo naming a director of the program.

Richard W. Velde, administrator of the Law Enforcement Assistance Administration—the Department of Justice agency charged with combating juvenile delinquency disclosed Monday that “uncertainty over dimensions of the program” had raised questions about appointing an assistant administrator to manage it.

“We have a policy decision to make as to whether the magnitude of the (juvenile delinquency) effort within LEAA would justify filling the vacancy,” Velde said.

A delay in filling the post would be the latest in a series of Administration moves that seem to run counter to the urgency Congress sounded when it passed the Juvenile Justice and Delinquency Prevention Act of 1974.

Other such moves include:

President Ford's failure to appoint a 21-member advisory committee to recommend policy, priorities and operations for all federal juvenile delinquency programs. The law required that the members be named by last Dec. 5.

A rejection by the Office of Management and Budget of a proposal by the Law Enforcement Assistance Administration to spend \$10 million of its left-over funds on the juvenile delinquency program, Justice Department officials said Monday that they were seeking clarification of the reasons for turning down the funding which would not have increased the budget because the money already had been appropriated.

Calling no meeting of the Coordinating Council on Juvenile Justice, which was created by the act and whose members include the attorney general and the secretaries of health, education and welfare, labor and housing and urban development. Velde said the primary reason for the lack of a meeting was “transition at the Justice Department”—the turnover among attorneys general and deputy attorneys general.

Making no provision for the program in the 1976 budget.

Velde and other Administration officials, in explaining the lack of action, cite Mr. Ford's statement in September that he would not seek appropriations for the new programs “until the general need for restricting federal spending has abated.”

But the refusal of the Office of Management and Budget to approve the use of the available \$10 million and the failure to appoint personnel to shape and manage programs go beyond holding down federal spending, critics of the Administration's position contend.

Sen. Birch Bayh (D-Ind.), chairman of the Senate subcommittee on juvenile delinquency and a force behind enactment of the law, said that Mr. Ford “has not considered either the gravity of the problem nor the terrible cost it is inflicting on our society.”

Serious crime is climbing at a 16 percent pace and experts are estimating that persons under 18 account for 45 percent of those crimes and those under 25 for 75 percent.

(462)

The Law Enforcement Assistance Administration budget was cut to \$769.8 million for fiscal 1976—well below the \$1.957 billion that the agency had sought.

[From the Gary (Ind.) Post-Tribune, Apr. 22, 1975]

BAYH ASKS FORD BACK CRIME FIGHT

Washington—Buoyed by a General Accounting Office report which confirms his view, Sen. Birch Bayh, D-Ind., called on the Ford administration to seek funds for combating juvenile delinquency.

The GAO said the government has not asked Congress to appropriate new funds to finance programs under the Juvenile Justice and Delinquency Prevention Act.

“Since juveniles account for almost half the arrests for serious crimes in the nation, adequate funding of the Juvenile Justice act would appear to be essential in any strategy to reduce the nation's crime,” the GAO report said.

Bayh, who authored the legislation, said he has become “increasingly frustrated with the enormous gap between the rhetoric and the reality of this administration's concern over rising crime.”

Bayh said the administration's failure to implement the legislation is “outrageously irresponsible.”

The legislation, he added, is designed to prevent young people from entering “our failing juvenile justice system” and to assist communities to develop “more sensible and economic approaches for youngsters already in the juvenile justice system.”

[From the Jasper (Ind.) Herald, May 9, 1975]

BAYH LINES

(By Senator Birch Bayh)

Washington—All of us know that crime is one of our most serious problems. And it is a problem that continues to grow. Last year, overall crime increased nationwide by 17 percent.

What many Americans don't realize is that in proportion to their numbers young people are the largest contributors to the crime problem. According to the most recent statistics available, in 1973 youths under 18 accounted for 51 per cent of the total arrests for property crime, such as burglary and car theft. They also accounted for 45 per cent of arrests for rape, robbery and other serious crimes.

Total arrests of juvenile offenders rose 144 per cent between 1960 and 1973, and violent crimes committed by young people increased 247 per cent. The estimated cost of all this violence has increased about 300 per cent since 1968 to an estimated \$15 billion a year.

Hoosiers and all Americans are double losers from youthful crime. Not only do we suffer a huge monetary loss totaling billions of dollars each year, but thousands of young lives are also wasted every year as young offenders enter a juvenile justice system that has failed and continues to fail them and society.

Last year, the Juvenile Justice and Delinquency Prevention Act, was passed overwhelmingly by Congress and signed into law by President Ford. This act, which I authored focused on preventing youngsters from beginning lives of crime.

It creates an Office of Juvenile Justice and Delinquency Prevention in the Law Enforcement Assistance Administration of the Department of Justice to coordinate all federal juvenile justice programs which are now scattered throughout the governmental bureaucracy. It also establishes a National Advisory Committee on Juvenile Justice and Delinquency Prevention to advise the LEAA on federal juvenile delinquency programs.

The act will also provide block grants to state and local governments and grants to public and private agencies to develop juvenile justice programs with special emphasis on the prevention of delinquency. In addition, the act sets up a National Institute for Juvenile Justice and Delinquency Prevention to serve as a clearinghouse for delinquency information and to conduct training, research demonstrations and evaluations of juvenile justice programs.

Unfortunately, despite the waste of billions of dollars and untold young lives, the Ford Administration continues to refuse to request any funds to implement the act. This refusal persists in the face of a recent report by the General Accounting Office which concluded that "adequate funding of the Juvenile Justice and Delinquency Prevention Act would appear to be essential in any strategy to reduce the nation's crime."

Congress has shown its commitment to cutting juvenile crime by directing the Law Enforcement Assistance Administration to reprogram \$20 million of its funds to begin to fund the act. The administration, however, has blocked the investing of these funds to prevent crime by young people.

I agree with President Ford when he says we must draw the line on unnecessary governmental spending. But we must not turn our backs on a program that could turn a relatively small investment into a savings of potentially billions of dollars and thousands of lives.

By requesting adequate funds, the President can join with Congress in helping to reduce the crime rate by reducing juvenile crime.

[From the Boston Christian Science Monitor, May 30, 1975]

CONGRESS SET TO FIGHT JUVENILE CRIME

(By Robert P. Hey)

Washington—A new law designed to cut skyrocketing juvenile crime is about to get its first money from Congress, this newspaper has learned.

In action not yet announced, Senate and House conferees have agreed to provide \$25 million to finance the Juvenile Justice and Delinquency Prevention Act of 1974.

Aim of the law is to turn downward the rate of juvenile crime by providing, for the first time, a coordinated federal attack on the problem, and by providing block grants to states and municipalities for developing better ways of coping with juvenile problems—including crime prevention.

The financing for this effort comes against a background of:

Crime by juveniles accounts for nearly half the serious crime in the United States—and most of the 17 percent nationwide increase in serious crime last year.

Annual cost of juvenile crime now is \$12 billion, according to Sen. Birch Bayh (D) of Indiana, chairman of the Senate's juvenile delinquency subcommittee and a prime sponsor of the new law. This cost is rising steadily every year.

The \$25 million to get the new approach started is contained in a major supplemental appropriations bill covering several government agencies. Congress expects to complete work on the measure shortly after its early-June return from vacation.

Supporters of the measure do not expect the President to veto it, contending that he supports most of the other elements of the bill.

Since the juvenile justice bill passed last year, President Ford has said he supported the concept, but that at this time he opposed providing additional money to finance it in order to keep the federal deficit under \$600 billion.

In testimony last month before the Senate Subcommittee To Investigate Juvenile Delinquency, Paul O'Neill—deputy director of the White House's Office of Management and Budget (OMB)—confirmed that it was the President himself who decided not to seek money from Congress through regular appropriations channels to finance the new law. By this decision he overruled the OMB staff, which had supported funding.

Now Congress has run an end run around the President and provided the money he did not want in a bill it thinks he cannot refuse.

The new juvenile crime law is being administered by the Law Enforcement Assistance Administration (LEAA). Administrator Richard Velde told last month's congressional hearing that his organization is doing what it can without additional funds—beginning the job of coordinating federal efforts in the juvenile field, and planning for the time when it has additional funds to give states and localities for innovative programs, or to reform juvenile offenders.

The law is predicated on the assumption that current programs of deterring crime by juveniles have been dismal failures. In his testimony, Mr. Velde noted

that between 1960 and 1973, serious crime by juveniles—persons under 18—had increased 144 percent. By comparison, serious crime by adults had increased only 17 percent, as measured by arrest records.

Programs which the federal government could provide money for under this law include alternatives to traditional imprisonment and research into juvenile justice problems.

Early in June the President is expected to send a major message on crime to Congress. Supporters of the youth law, which passed the Senate 88 to 1, are hopeful he will include a belated request for funds for the new fiscal year, which begins July 1.

[From the Sun Herald (Biloxi-Gulfport-Pascagoula, Miss.) Feb. 1, 1975]

FORD PRIORITY FOR YOUTH LAWS CRITICIZED

(By Jan Garrick)

A U.S. Senate consultant on juvenile justice legislation criticized the Ford administration in Biloxi Friday for giving juvenile justice and delinquency prevention a "low priority" among national problems.

John M. Rector, staff director and chief counsel for the Senate subcommittee on Juvenile Delinquency, charged that although statistics show the rate of juvenile delinquency is "skyrocketing," the Ford administration has failed to seek funding for needed juvenile correction programs.

The President signed the Juvenile Justice and Delinquency Prevention Act last September, a measure which emphasizes alternatives to juvenile incarceration. But Rector said the President has indicated he will not seek funding this year for the law's prevention programs.

"This indicates that the President has given juvenile justice a low priority," he said.

Rector, one of the 1974 law's authors, was speaking to a Joint Governor's Conference on Juvenile Justice at the Sheraton-Biloxi.

The Senate subcommittee counsel said that President Ford has also lagged behind in appointing a 21-member National Advisory Committee which would present annual recommendations to the President on the federal juvenile delinquency corrections programs.

According to law, Rector said the appointments should have been made by the President in early December.

"On the one hand you have people in the White House saying that this act is not important because it doesn't affect a whole lot of people and then on the other hand you have the skyrocketing rate of juvenile delinquency," he said.

The Senate counsel said that youth arrests account for nearly half of arrests made for serious crimes in the nation.

"If President Ford just one time would say we have to provide our judges with some alternatives to incarceration it would be helpful," Rector said, adding that the President did not mention the juvenile delinquency problem in his state of the union message and that reformers have not been able to get the White House to "focus" on the juvenile problem.

Rector, however, indicated that the law's supporters may have found an advocate for their programs in Attorney General designate Edward Levi.

"Sen. Birch Bayh has talked with Mr. Levi and he has indicated that he gives the delinquency problem a high priority and may be the champion we are looking for," he said.

The Biloxi conference, sponsored by Alabama and Mississippi, concludes Saturday with a discussion of juvenile court volunteers.

[From the St. Louis-Dispatch, Feb. 6, 1975]

FORD SLIGHTS JUVENILE DELINQUENCY PLAN

(By Ted Gest)

Washington—President Gerald R. Ford, despite a White House declaration Monday that "reduction of crime is a high federal priority," has recommended that no money be allocated to a new program set up by Congress to fight juvenile delinquency.

Congress concluded that "juveniles account for almost half the arrests for serious crimes in the United States today" in approving the antidelinquency effort last summer. It authorized \$125,000,000 in financing for fiscal year 1976.

Mr. Ford made no mention of the program in his austerity budget announced this week, even though the program was intended to save tax money by reducing the need to put juvenile offenders in institutions.

In addition, the White House has disregarded the law setting up the program by not appointing a national advisory committee to review all federal antidelinquency efforts. The panel was supposed to have been appointed by last Dec. 5.

Seven of the 21 committee members must be under 26 years of age at the time of their appointment. Ironically, two of the young persons on the tentative list for the group have turned 26 since the Dec. 5 deadline, thus causing a further delay to find more young candidates.

"There is no federal leadership in the juvenile delinquency field," John M. Rector, chief counsel to the Senate Subcommittee To Investigate Juvenile Delinquency, said in an interview.

"The White House had a tremendous opportunity to capitalize on its 'law and order' effort, but has blown it politically" by not setting the new program in motion, Rector said.

The gap between rhetoric and reality in the Ford Administration became obvious in one instance late last week.

As the national budget was being readied for distribution, Clarence M. Kelley, director of the Federal Bureau of Investigation, was speaking out in favor of more federal antidelinquency efforts.

"From 1960 to 1973, the number of juveniles arrested for criminal offenses in this country increased 144 per cent," Kelley told a Kansas City audience. "Last year, youngsters under the age of 18 committed 45 per cent of this nation's serious crimes."

"Can we do nothing for these young people? I believe we can. We must."

Kelley then pointed out that "Congress recently enacted legislation providing \$380,000,000 to combat juvenile crime in the next three years." Kelley did not say that Mr. Ford in fact was not planning to recommend any financing.

A White House source familiar with plans for the National Advisory Committee for Juvenile Justice and Delinquency Prevention, as the panel is to be called, insisted that Mr. Ford's staff had "made a good faith effort" to meet the Dec. 5 deadline.

"We've had tremendous interest in this committee—pressures from all over," said the source, who asked not to be identified. He blamed some members of Congress for part of the delay, saying that they had suggested members for the panel after Dec. 5.

The new delinquency program is not entirely without money, because Department of Justice officials have been able to designate \$20,000,000 for it from other programs. But that amount is not much to both administer the program nationally and provide funds for state programs.

Under the law, states would have to make major changes in the way juveniles are held in institutions either before or after they are judged to be delinquent.

To obtain funds provided for in the act, states would have to draft plans to increase the number of community-based treatment programs for delinquent youths and to "discourage the use of secure incarceration and detention."

In addition, states would have to "provide that juveniles alleged to be or found to be delinquent . . . not be detained or confined in any institution in which they have regular contact with adult (prisoners) . . ."

Finally, within two years, states would have to assure that no youth who was charged with committing an offense that would not be criminal if committed by an adult would be put in a detention or correction facility.

That last provision is significant, Rector says, because up to 40 per cent of youths now held in such institutions are there because of offenses such as running away from home or school or violating a curfew which are not adult crimes.

If there is little or no money in the program, states will have little incentive to make those improvements, Rector said.

The law does provide for a few changes that will go into effect even if the program is not fully financed.

The major one that will affect the states is a requirement that the boards that give out federal anticrime funds be representative of youth and experts in the delinquency field.

[From the National Association of Counties News, May 12, 1975]

JUVENILE ACT NEEDS MONEY, SENATE TOLD

Commissioner Mary E. Dumas of Wayne County (Mich.) testified to Sen. Birch Bayh's Subcommittee to Investigate Juvenile Delinquency April 29 that NACo supports the Juvenile Justice and Delinquency Prevention Act of 1974—that counties want to see the act fully funded and energetically administered.

President Ford signed the act into law last September, but asked that no funds be appropriated to activate it. The act authorizes the Law Enforcement Assistance Administration (LEAA) to spend \$75 million in fiscal '75, \$125 million in fiscal '76, and \$150 million in fiscal '77 to help states, local governments, and community groups plan better delivery systems for their youthful community.

The act emphasizes separation of youthful criminals from youthful truants, runaways and others under the jurisdiction of juvenile courts who have committed no crimes; and innovative approaches to keeping children in school, at home, in alternative residences, and out of trouble.

Dumas detailed the responsibilities of county government for juvenile justice. Most juvenile courts are operated on the county level, and the second-highest percentage of youth in custody are held in county detention centers. She indicated that other county responsibilities to provide for the community health and well-being, social services, manpower, job-training and education, amount to a structure that can be used to respond to the needs of youth before resorting to detention.

But county funds are thinly dispersed over this skeleton, Dumas warned, and cannot easily bear new burdens without assistance. Many local governments face losses in revenue this fiscal year, and cannot generate significant new revenue from property and other traditional tax-sources.

She indicated passage of the act had raised the hopes of counties who thought help was on the way, and lack of an appropriation had dashed them. This statement was echoed by the testimony of Thomas C. Maloney, mayor of Wilmington, Del., (for the National League of Cities and U.S. Conference of Mayors); Walter Smart, National Collaboration for Youth; Flora Rothman for the National Council of Jewish Women; Edward V. Healey Jr., president of the national Council of Juvenile Court Judges, and Richard C. Wertz, chairman of the National Conference of State Criminal Justice Planning Administrators.

The subcommittee questioned the General Accounting Office and Office of Budget and Management. Elmer B. Staats, comptroller general of the United States, criticized previous efforts of the federal government to coordinate juvenile delinquency programs, quoting from a recently released GAO report, "How Federal Efforts to Coordinate Programs to Mitigate Juvenile Delinquency Proved Ineffective."

Assistant Director Paul O'Neill expressed OMB's reluctance to add any dollars to the federal deficit in fiscal '76, as well as the agency's hesitation to back prevention efforts. He indicated that LEAA had asked for permission to reprogram \$20 million for purposes of the new act that state planning agencies had not spent.

Congress agreed, but OMB turned the request down. After a meeting between Attorney General Edward H. Levi and OMB Director James Lynn, OMB agreed to reconsider. A final decision is still pending. Last month the House passed a \$15 million appropriation for the act that the Senate Appropriations Committee is now considering.

Dumas indicated her county is debating whether to build a new jail that will cost the taxpayers \$35 million, and expressed the disappointment of counties across the nation that the Administration would balk at the sums so badly needed for the new initiatives of the Juvenile Justice and Delinquency Prevention Act of 1974.

[From the Evansville (Ind.) Courier, Apr. 30, 1975]

JUVENILE PROGRAM FUNDING DENIED

Washington (AP)—Sen. Burch Bayh, D-Ind., Tuesday defended a federal juvenile delinquency program that is a victim of the administration's plan to hold the line on new spending.

But he could not convince Paul O'Neill, deputy director of the Office of Management and Budget, that the programs outlined in juvenile delinquency legislation enacted last September warrant new funding this year.

When President Ford signed the Juvenile Justice and Delinquency Prevention Act of 1974, he said he would not seek new appropriations to implement the law until the national economic situation stabilized.

O'Neill admitted that the new law probably is better than earlier federal attempts at juvenile delinquency prevention. But he said he would endorse new funding for it only "if we can figure a way to do it without telling the taxpayer to spend more money or running the risk of a bigger deficit that would hurt all of us with more inflation."

The law consolidates federal antidelinquency efforts under the supervision of an office of Juvenile Justice and Delinquency Prevention in the Department of Justice's Law Enforcement Assistance Administration. It also sets up new programs for delinquency prevention and authorizes block grants to states that submit comprehensive juvenile justice plans.

[From the Evansville (Ind.) Press, May 3, 1975]

NEW LAW AIDS CENTERS FOR RUNAWAYS

(By Ann McFeatters)

Washington—Two years after the grisly Houston murders of 27 runaway boys, the federal government is implementing a new law to protect runaways, learn more about them and counsel them and their families.

The runaway youth act, sponsored by Sen. Birch Bayh, D-Ind., was passed last fall by a Congress haunted by the Houston horrors and troubled by the estimate that more than 1 million runaway children are hitchhiking and roaming the streets around the country.

Since the bill was signed into law last September, bureaucrats at the Department of Health, Education and Welfare have been writing proposed regulations, and sending them to superiors for review. Final regulations are expected to take effect May 22.

The key provision of the bill is to establish or strengthen existing runaway centers where children who have left home can go for shelter, food and counseling.

The HEW office of youth development this week sent out application forms to private groups that want money for runaway houses.

Although most runaways do not commit crime and return home after a night or two at a friend's house, the FBI reports the number of runaways arrested has jumped 60 percent in recent years. Also runaway youths without food or shelter, roaming the streets in large cities, are more likely to turn to prostitution, drugs or shoplifting.

There are an estimated 60 privately operated runaway houses around the country but most of them have been in danger of closing for lack of money.

HEW estimates the \$5 million Congress authorized for the bill for fiscal 1975 (and a like amount for 1976) will help finance 50 programs. The highest grant will be about \$75,000 to big-city centers.

[From the New York Post, Apr. 29, 1975]

RAP FORD ON YOUTH CRIME

(By John S. Lang)

Washington—Federal and state officials complained today that the White House fails to understand the significance of juvenile crime—though it now accounts for half of all arrests.

Their complaints were aired in testimony prepared for a Senate hearing into why the Nixon and Ford Administrations had refused to fund the Juvenile Justice Act.

The officials agreed the act was vital to curbing juvenile crime, which has increased over 144 per cent since 1960 and costs the nation more than \$12 billion yearly.

Comptroller General Elmer B. Staats said in prepared testimony that two years ago the administrator of the Law Enforcement Assistance Administration sought White House guidance on policy toward juvenile crime and on drafting of major legislation in this area.

"DID NOT ACT"

"The White House did not act on this request," Staats said.

"ESSENTIAL STEP"

The Controller General concluded, "since juveniles account for almost half the arrests for serious crimes in the nation, it appears that adequate funding of the [act] would be an essential step in any strategy to reduce crime in the nation."

The act, designed to prevent young people from entering a juvenile system which experts believe actually stimulates crime, envisions spending \$500 million over the next three years.

President Ford has refused to budget any of his money as part of his austerity plan of no new spending except for energy and national defense.

Richard W. Velde, administrator of the LEAA, said it was vital that steps be taken to counsel and rehabilitate youthful offenders, as proposed in the act.

"... Youthful offenders today face a substantial possibility in many jurisdictions of losing, either in law or in fact, the favored legal status which they have enjoyed since the early years of this century," Velde said.

Richard Wertz, head of the National Conference of State Criminal Justice Planning Administrators, noted that when President Ford signed the act last September he implied strong support for the need to reduce juvenile crime.

"Simply put, the dilemma is this: the public and the Congress want runaway juvenile delinquency rates stemmed. Yet the Administration refuses to provide additional new funds to help do the job and furthermore seeks to cut what programs already exist," Wertz said.

"The situation, we feel, is intolerable."

[From the Atlanta Journal, Mar. 23, 1975]

STILL DELINQUENT

The Nation has a new juvenile delinquency law. But the Ford administration is doing little to implement it.

Adequate juvenile justice reforms, experts have repeatedly insisted, must lie at the foundation of any successful, long-term effort to combat crime.

Tomorrow's criminal is today's juvenile in trouble with the law—unless an enlightened and resourceful juvenile justice system is ready to step in to turn that would-be criminal around at a crucial point in life.

Ironically the Ford administration's lack of enthusiasm for implementing the Juvenile Justice and Delinquency Prevention Act of 1974 comes at a time when serious crime is climbing at 16 per cent; and experts are estimating that persons under 18 account for almost half of those crimes.

The President is insisting that he'll not act on new appropriations until the general need for restricting federal spending has abated.

That is all well and good. But it does not explain why other actions that are available have not been taken. The Office of Management and Budget has refused to approve the use of an available \$10 million. The President has failed to appoint a 21-member advisory committee that would recommend policy, priorities and operations of all federal juvenile delinquency programs—although the law required that members be named by Dec. 5, 1974. And no meeting of the coordinating council on juvenile justice, created by the act has yet been called.

This is short-sighted cost efficiency and shallow administration which flouts the will of Congress. Surely the most useful program in terms of saving public monies in criminal justice is a well-funded and coordinated juvenile justice program, capable of producing the best long-term results.

[From the Indianapolis News, Apr. 5, 1975]

YOUTH JUSTICE SHUNNED: BAYH

(By John Chadwick)

Washington (AP)—Sen. Birch Bayh, D-Ind., said today President Ford "has responded with indifference" to legislation to curb juvenile crime.

Bayh, a chief sponsor of the Juvenile Justice and Delinquency Prevention Act, said this was in the face of FBI statistics showing a 17 percent increase in serious crime last year.

"While youths between the ages of 10 and 17 make up 16 percent of our population, they account for fully 45 percent of all persons arrested for serious crime," he said.

Referring to the legislation passed last year, Bayh said "the President has not yet bothered to appoint an administrator to coordinate our efforts in this area."

"Nor did he appoint the Advisory Board mandated by the act until almost six months after the effective date of the act," Bayh said.

"Moreover," he added, "although crime by young people costs Americans almost \$12 billion annually, the President has expressed unwavering opposition to the expenditure of any funds under this act to reduce that loss."

The legislation authorizes appropriations of \$75 million in the current fiscal year ending June 30, \$125 million the next year, and \$150 million the third year.

A spokesman for the Senate juvenile delinquency subcommittee, which is chaired by Bayh, said Ford has not requested any of these funds nor has Congress appropriated any.

The authorized appropriations were in addition to \$140 million annually that the Justice Department's Law Enforcement Assistance Administration estimated it would spend on juvenile crime programs.

Bayh said in a statement that 51 percent of those arrested for property crimes and 23 percent for violent crimes have not yet reached their 18th birthday.

"Obviously we are confronting a serious situation," he said. "And I for one am becoming increasingly frustrated with the enormous gap between the rhetoric and the reality of this administration's concern over rising crime."

Bayh said the legislation passed last year was "designed specifically to prevent young people from entering our failing juvenile justice system."

PART 4—ITEMS RELATING TO THE ACT, S. 821

INFORMATION ABOUT THE ACT AND FUNDING PROBLEMS

U.S. SENATE, COMMITTEE ON THE JUDICIARY,
SUBCOMMITTEE TO INVESTIGATE JUVENILE DELINQUENCY,
Washington, D.C., August 23, 1974.

The PRESIDENT,
The White House,
Washington, D.C.

MR. PRESIDENT: The conferees have finished their work on the Juvenile Justice and Delinquency Prevention Act, S. 821. The Senate and the House of Representatives have unanimously approved the conference report which adopts the Senate provision providing for administration of the program by the Law Enforcement Assistance Administration and retains key features of the House bill.

This measure is the product of a 3-year bipartisan effort to provide a comprehensive Federal response to the problems of juvenile crime and delinquency prevention. It represents a culmination of years of hard work and the expertise and dedication of a great many individuals. The importance of this legislation cannot be overstated. While we in Government are attempting to achieve a balanced budget, certain crisis problems, such as juvenile crime and delinquency, demand an immediate mobilization of Federal resources.

We respectfully request that this act be signed into law.

Respectfully yours,

BIRCH BAYH,
U.S. Senator,
ROMAN L. HRUSKA,
U.S. Senator.

THE WHITE HOUSE,
Washington, August 27, 1974.

Hon. BIRCH BAYH,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: I would like to acknowledge and thank you for your and Senator Hruska's August 23 letter to the President regarding the Juvenile Justice and Delinquency Prevention Act, S. 821.

This legislation was received at the White House this morning, and I am passing along your letter for the President's early attention so that he will know of your request that he sign this act into law.

With warm regards,
Sincerely,

PATRICK E. O'DONNELL,
Special Assistant to the President.

OFFICE OF THE WHITE HOUSE PRESS SECRETARY,
September 7, 1974.

NOTICE TO THE PRESS

The President has signed S. 821—Juvenile Justice and Delinquency Prevention Act of 1974 which extends existing juvenile delinquency programs

for 1 transition year, creates two new National Institutes and an Office of Juvenile Justice and Delinquency Prevention within the Department of Justice, establishes an independent coordinating Council on Juvenile Justice and Delinquency Prevention and a National Advisory Committee, authorizes new categorical grant programs to deal with juvenile delinquency and runaway youth, and amends certain U.S. Code criminal sections on juvenile delinquency.

S. 821 substantially revises and extends existing Federal laws and agency responsibilities related to juvenile delinquency. It places the principal responsibility for Federal juvenile delinquency in the Department of Justice, establishes new organizational entities there to conduct research on and carry out juvenile delinquency programs, and establishes new Federal juvenile delinquency and runaway youth grant programs.

The bill authorizes total appropriations of \$380 million for fiscal years 1975-77 for the new grant programs authorized by the bill. Of this total, \$85 million is authorized for fiscal year 1975.

OFFICE OF THE WHITE HOUSE PRESS SECRETARY,
September 8, 1974.
STATEMENT BY THE PRESIDENT

Late Saturday, I signed into law S. 821, the Juvenile Justice and Delinquency Prevention Act of 1974.

This is the first piece of legislation to reach my desk for action in the field of prevention and reduction of crime among our youth. Its passage by very strong majorities in both bodies of the Congress represents a continuation of our national commitment to reduce juvenile delinquency in the United States, to keep juveniles from entering the treadmill of the criminal process, and to guarantee procedural and constitutional protection to juveniles under Federal jurisdiction.

This national commitment is one of partnership with State and local governments through which, together, we spend over \$10 billion per year for criminal justice programs.

During the course of this bill's passage through the Congress, the executive branch voiced serious reservations with regard to several of its provisions for organizational change and fund authorizations. I continue to be concerned about these provisions—especially the threat they carry with regard to increased Federal spending at a time when the economic situation demands across-the-board restraint, especially in the Federal budget.

Therefore, I do not intend to seek appropriations for the new programs authorized in the bill in excess of amounts included in the 1975 budget until the general need for restricting Federal spending has abated. In the interim, the estimated \$155 million in spending already provided under current programs will provide a continuation of strong Federal support.

This bill represents a constructive effort to consolidate policy direction and coordination of all Federal programs to assist States and localities in dealing with the problems of juvenile delinquency. The direction of our Federal programs has been fragmented far too long. This restructuring of present operation and authority will better assist State and local governments to carry out the responsibilities in this field, which should remain with them. Hopefully, the result will be greater security for all citizens and more purpose, sense, and happiness in the lives of young Americans.

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
March 19, 1975.

Hon. EDWARD H. LEVI,
Attorney General of the United States,
Department of Justice,
Washington, D.C.

DEAR MR. ATTORNEY GENERAL: Last summer, by overwhelming votes in both the Senate and the House of Representatives, the Congress sent the Juvenile Justice and Delinquency Prevention Act of 1974 to the President. This measure was designed, through a 3-year bipartisan effort, to provide a com-

prehensive Federal response to the problems of juvenile crime and delinquency prevention. It represents a culmination of years of hard work and the expertise and dedication of a great many individuals.

When President Ford signed the bill into law on September 7, 1974, he announced that he would not seek current fiscal year appropriations for the newly authorized programs. Subsequently, Richard Velde, Administrator, Law Enforcement Assistance Administration, Department of Justice, however, did request permission to make use of \$20 million of previously appropriated funds to lay the groundwork to meet the congressional mandate inherent in this measure.

Last fall the Office of Management and Budget approved the programming request for the reversionary funds as did the House and Senate Appropriations Subcommittees. It had been our understanding that OMB was reviewing the implementation plan for use of these funds and that these moneys would soon be available to begin to implement the act. We are disheartened to learn that the plan has been rejected.

During your confirmation hearings in January we recall your expressed interest in doing more to fight juvenile crime and to prevent delinquency and your statement that you would champion the new bill. The importance of this legislation cannot be overstated. While we in government are attempting to achieve a balanced budget, certain crisis problems, such as juvenile crime and delinquency, demand an immediate mobilization of Federal resources.

We respectfully request that you do all that is possible to obtain funding to implement the act.

Respectfully yours,

BIRCH BAYH,
U.S. Senator,
ROMAN L. HRUSKA,
U.S. Senator.

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
April 7, 1975.

Hon. JOHN O. PASTORE,
Chairman, Subcommittee on State, Justice, Commerce, The Judiciary, and Related Agencies, Committee on Appropriations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This is to advise you of my concern about the administration's failure to implement the provisions of the Juvenile Justice and Delinquency Prevention Act of 1974.

As you may recall, both House and Senate appropriations committees have approved a request to reprogram up to \$20 million of previously appropriated funds to implement the Juvenile Delinquency Act this fiscal year. Unfortunately, for some months now the Office of Management and Budget has been unwilling to release the funds. This is very discouraging to me personally, as it is to many others across the Nation who are looking for Federal leadership in the effort to combat juvenile delinquency.

Over the last few weeks, I have been searching for some means to encourage the release of the funds so that this program can get started. An informal check with the Comptroller General regarding the legality of OMB impoundment of the funds under the rescission and deferral provisions of the new Impoundment Control Act reveals that OMB can continue to prevent the reprogrammed funds from being used to implement the new juvenile delinquency program because there is no statutory basis for the funding.

In other words, OMB can continue to ignore this approved reprogramming request and fail to implement the program without regard to the rescission and deferral provisions of the Impoundment Control Act unless Congress acts to reaffirm the reprogramming decision in an appropriations act. Such reaffirmation would then force the administration to either spend the funds for juvenile delinquency or else submit a rescission or deferral request for consideration by the Congress.

Consequently, I am requesting that your subcommittee include the following language in the forthcoming supplemental appropriations bill which I believe

would provide the statutory basis for implementation of the Juvenile Delinquency Act before the close of this fiscal year:

"Provided, That up to \$20 million, but not less than \$10 million, shall be available in fiscal year 1975 to carry out the provisions of the Juvenile Justice and Delinquency Prevention Act of 1974 and that these funds shall be derived by transfer within the appropriation 'Salaries and Expenses', Law Enforcement Assistance Administration, 1975."

Thank you for your consideration.

Sincerely,

BIRCH BAYH,
Chairman, Subcommittee To Investigate Juvenile Delinquency.

APRIL 9, 1975.

HON. BIRCH BAYH,
*U.S. Senate,
Washington, D.C.*

DEAR SENATOR BAYH: This is in response to your letter of March 19, 1975 in which you urged action in obtaining funds for the Juvenile Justice and Delinquency Prevention Act of 1974.

I share your view that a comprehensive Federal response to the problems of juvenile delinquency is necessary. Accordingly, I intend to seek ways to meet the laudable objectives of the Juvenile Justice Act.

Sincerely,

EDWARD H. LEVI,
Attorney General.

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
Washington, D.C., April 21, 1975.

HON. BIRCH BAYH,
*Chairman, Subcommittee To Investigate Juvenile Delinquency,
Committee on the Judiciary,
U.S. Senate,
Washington, D.C.*

DEAR BIRCH: Thank you for your recent proposal designed to implement the new juvenile delinquency program.

Subsequent to your letter, the House included \$15 million in the fiscal year 1975 Second Supplemental Appropriation bill. I have discussed the House action with Richard Velde, the Administrator of the Law Enforcement Assistance Administration, and he has several concerns that remain unaddressed by the House action. These include matters of staffing, extended availability of the funds and the distribution and adequacy of the House allowance. Perhaps your staff could work with the Subcommittee clerk to develop a proposal for subcommittee consideration that would deal with some of the concerns that have been raised.

Thank you again for writing. Please be assured that I appreciate your suggestions and that I welcome your further assistance in this matter.

JOHN O. PASTORE,
*Chairman, Subcommittee on State, Justice, Commerce,
the Judiciary, and Related Agencies.*

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
April 30, 1975.

HON. JOHN O. PASTORE,
*Chairman,
Subcommittee on State, Justice, Commerce, The Judiciary; and Related Agencies,
Committee on Appropriations,
U.S. Senate,
Washington, D.C.*

DEAR MR. CHAIRMAN: This is to advise you of recent activities since my letter of April 7, 1975 regarding my concern about the Administration's failure to implement the provisions of the Juvenile Justice and Delinquency Prevention Act of 1974.

The House Appropriations Committee has included \$15 million for the Juvenile Justice Act in the Supplemental Appropriations bill for this fiscal year. Of these moneys \$3.75 million would be used for special emphasis grants which are direct Federal grants to public and private agencies designed to combat juvenile crime and delinquency. For example, the Big Brothers of America, who rely exclusively on voluntary contributions, would be able to utilize such funds to strengthen their anti-delinquency program in a community or to introduce the concept in an area not currently served by a local chapter. In addition, \$10 million would be made available to states under a minimum formula allocation of \$200,000. A small portion, 15 percent or less, of these moneys could be used for planning, but the bulk of the funds would be channelled to State and local agencies dealing directly with delinquency prevention. For Federal salaries and related uses, to get the programs started, \$650,000 would be available.

Yesterday, I heard testimony from Mr. Paul O'Neill, Deputy Director of the Office of Management and the Budget, Mr. Richard Velde, Administrator of the Law Enforcement Assistance Administration and Elmer Staats, Comptroller General of the General Accounting Office. Based on these and other conversations it appears that \$25 million could be obligated before June 30 to be spent by public and private agencies during the coming year.

I am also reaffirming my earlier position that would transfer up to \$20 million, but not less than \$10 million, of previously appropriated funds to be used by the Law Enforcement Assistance Administration under the special emphasis program.

Youths under 19 are responsible for more than 50 percent of the serious crime in this country. I know that you, with your responsibilities in the criminal justice-corrections areas, understand that this modest amount is justified as an investment that will help us to save future tax dollars and to enable more of our troubled youth to become productive citizens.

I have discussed this matter with Senator Hruska, the ranking minority member of the Judiciary Committee and Senator Mathias, the ranking minority member of our Subcommittee and they have no objection to this approach.

Thank you for your consideration.

Sincerely,

BIRCH BAYH,
Chairman, Subcommittee To Investigate Juvenile Delinquency.

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
June 26, 1975.

HON. JOHN O. PASTORE,
*Chairman,
Subcommittee on State, Justice, Commerce,
The Judiciary; and Related Agencies,
Committee on Appropriations,
U.S. Senate,
Washington, D.C.*

DEAR MR. CHAIRMAN: This is to advise you of my continuing concern that the provisions of the Juvenile Justice and Delinquency Prevention Act of 1974 are implemented to the maximum extent possible in spite of the current budgetary squeeze and belt tightening. I am deeply appreciative of your interest and strong support for the program.

The \$25 million provided for the Juvenile Justice Act in the Supplemental Appropriations bill for this fiscal year will help to initiate this program which is designed to strengthen our national delinquency prevention effort by providing modest assistance to states, local governments and to nonprofit groups such as the Big Brothers of America and by providing minimal moneys for planning, Federal salaries and related uses.

The House Appropriations Committee has earmarked \$40 million for the Juvenile Justice Act in the Appropriations bill for fiscal year 1976. They should be commended for their commitment to move forward with the program, but I believe that an amount more commensurate with the growing delinquency problem could be wisely spent by public and private agencies

during the coming year. Rather than the full authorization of \$125 million, it appears that \$75 million would be far more appropriate.

This level of second year funding, when coupled with the recent startup moneys, would represent a significant step toward fulfillment of the act's commitment to prevention as an integral part of the Federal Government's fight against crime.

Youths under 19 are responsible for more than 50 percent of the serious crime in this country. I know that you, with your responsibilities in the criminal-corrections areas, understand that this modest amount is justified as an investment that will help us to save future tax dollars and to enable more of our troubled youth to become productive citizens.

Thank you for your consideration,

Sincerely,

BIRCH BAYH,
Chairman, Subcommittee To Investigate Juvenile Delinquency.

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
July 2, 1975.

Hon. BIRCH BAYH,
U.S. Senate,
Washington, D. C.

DEAR SENATOR BAYH: Thank you for your letter of June 26, in support of a fiscal year 1976 funding level of \$75 million to carry out the provisions of the Juvenile Justice Act. Please be assured that your views will receive very careful consideration when the committee deliberates on the fiscal year 1976 budget request for the Department of Justice.

Sincerely,

JOHN O. PASTORE,
*Chairman, Subcommittee on State, Justice, Commerce,
the Judiciary and Related Agencies.*

[Excerpt From the Congressional Record, July 29, 1975]

SENATOR BAYH CONTINUES FIGHT FOR DELINQUENCY FUNDING

SUPPORT FOR JUVENILE JUSTICE AND DELINQUENCY PREVENTION APPROPRIATIONS

Mr. BAYH. Mr. President, today the Senate will consider an appropriation of funds for a measure which far too long has been denied proper implementation—the Juvenile Justice and Delinquency Prevention Act of 1974.

This act which I introduced some time ago is designed specifically to prevent young people from entering our failing juvenile justice system, and to assist communities in developing more sensible and economic approaches for youngsters already in the juvenile justice system. It creates an Office of Juvenile Justice and Delinquency Prevention in the Law Enforcement Assistance Administration of the Department of Justice to coordinate all Federal juvenile justice programs now scattered throughout the Federal Government. It establishes a National Advisory Committee on Juvenile Justice and Delinquency Prevention to advise LEAA on Federal juvenile delinquency programs. It also provides for block grants to State and local governments and grants to public and private agencies to develop juvenile justice programs with special emphasis on alternative treatment and prevention.

Mr. President, the need for adequate implementation of this legislation is all too obvious for those concerned with the rising tide of crime in America: a frightening phenomena that is largely the result of a rapidly escalating crime level among our young people.

While youths between the ages of 10 and 17 make up 16 percent of our population they account for fully 45 percent of all persons arrested for serious crime. Fifty-one percent of those arrested for property crimes and 23 percent for violent crimes had not yet reached their 18th birthday. That part of our population under 22 years old account for 61 percent of the total criminal arrests in this country.

The seriousness of the present situation was dramatically underscored in testimony submitted just recently at our subcommittee's inquiry into juvenile delinquency in our elementary and secondary schools. It was estimated at that hearing that vandalism in our schools is costing the American taxpayer over \$590 million per year. Moreover, a survey of 757 school districts across the country conducted by the subcommittee staff found that teachers and students are being murdered, assaulted, and robbed in the hallways, playgrounds, and classrooms of American schools at an ever-escalating rate. Each year, in fact, approximately 70,000 teachers are physically assaulted in this country.

Who can dispute the need for immediate action? The recently released Federal Bureau of Investigation report on trends in crime for 1974 presents additional confirmation of the rising tide of criminal activity in America. Serious crime in the United States rose 17 percent last year, the highest annual increase since the FBI began collecting crime data 45 years ago. The increase for the first quarter of 1975 has reached 18 percent.

The suburban increase for last year was 20 percent while crime in rural areas increased 21 percent. In smaller communities—under 10,000—crime increased by 24 percent last year while robbery went up by 30 percent.

It is important to stress that these are problems that impact on the lives of our citizens in rural, suburban, and urban areas. In fact, one who reviews the top 50 crime centers, based on the number of serious crimes per 100,000, will discover Phoenix, Ariz.; Daytona Beach, Fla.; Fresno, Calif.; and Albuquerque, N.M., among the top 10 in the Nation.

Mr. President, this is not the first occasion on which I have found it appropriate to emphasize these tragic and startling statistics. For more than 4 years as chairman of the Subcommittee on Juvenile Delinquency, I have stressed these concerns, but more importantly the failure of the Federal Government to adequately respond to juvenile crime and to make the prevention of delinquency a Federal priority.

The Juvenile Justice and Delinquency Prevention Act is the product of these many years of work. It was developed and supported by bipartisan groups of citizens throughout the country and was sent to the President by strong bipartisan majorities of 88 to 1 in the Senate and 329 to 20 in the House.

The act recognizes that our present system of juvenile justice is failing miserably. It is based on our findings that the present system is geared primarily to react to youth offenders rather than to prevent the youthful offense. It is likewise, predicated on conclusive evidence that the system fails at the crucial point when a youngster first gets into trouble.

The juvenile who takes a car for a joy ride or the youngster who thinks shoplifting is a lark are often confronted by a system of justice completely incapable of dealing with them in a constructive manner.

I am all too aware of the limited alternatives available to the juvenile judges in communities across the Nation when they are confronted with the decision of what to do with a juvenile involved in an initial, relatively minor offense. In many instances the judge has but two choices—send the juvenile back to the environment which created these problems in the first place with nothing more than a stern lecture, or incarcerate the juvenile in a system structured for serious offenders where the youth will invariably emerge only to escalate his level of law violations into more serious criminal behavior.

In addition to the dilemma we now face as to what we do with the young troublemaker, we are also confronted with thousands of children who have committed no criminal act in adult terms. In fact, almost 40 percent of all children involved in the juvenile justice system today have not done anything which could be considered a violation of criminal law. Yet these children—70 percent are young girls—often end up in institutions with hardened juvenile offenders and adult criminals. Instead of receiving counseling and rehabilitation outside the depersonalized environment of a jail, these youngsters are commingled with youthful and adult offenders. There should be little wonder that three of every four youthful offenders commit subsequent crimes.

Some youthful offenders must be removed from their communities for society's sake as well as their own. But the incarceration should be reserved for those youths who cannot be handled by other alternatives.

Each year an excessive number of juveniles are unnecessarily incarcerated in crowded juvenile or adult institutions simply because of the lack of a workable alternative. The need for such alternatives to provide an intermediate step between essentially ignoring a youth's problems or adopting a course which can only make them worse, is evident.

Mr. President, the recidivism rate among youthful offenders under 20 is the highest among all groups and has been estimated at between 75 and 85 percent in testimony before our subcommittee. Obviously, past Federal efforts to provide alternatives have been inadequate and have not recognized that the best way to combat juvenile delinquency is to prevent it. The act represents a Federal commitment to provide leadership, coordination and a framework for using the Nation's resources to assist State and local agencies, both public and private to deal more effectively with juvenile crime and delinquency prevention. Moreover, this legislation provides a workable program for delinquency prevention. A recently released General Accounting Office report found that if this act were properly implemented it "should help prevent and control juvenile delinquency."

In order to properly implement this very promising program, Mr. President, we need a sufficient appropriation of money. As Elmer Staats, Comptroller General of the United States, testified at a recent hearing of our subcommittee: "Since juveniles account for almost half the arrests for serious crimes in the Nation, adequate funding of the Juvenile Justice and Delinquency Prevention Act of 1974 would appear to be essential in any strategy to reduce the Nation's crime."

Because the Juvenile Justice Act represents such a promising approach to these problems, I find it particularly distressing that the President has consistently expressed opposition to its implementation. Despite the fact that he signed this act into law last September, he has, to this date, failed to nominate a director for this program and has omitted any funds for activities under the act from his fiscal budget request for 1976. I can think of few more blatant examples of false economy and misplaced priorities than the fact that while juvenile crime in this country is costing Americans \$12 billion annually, the administration continues to be steadfastly opposed to the expenditure of one red cent to reduce that loss.

In spite of such opposition we are making progress in our effort to make juvenile crime prevention a national priority. Though disappointed by the Office of Management and Budget decision withdrawing its November approval of \$20 million for the program—on the ground according to Paul O'Neill, Deputy Director, OMB, that "at the time of the 1976 budget review, the President indicated that he did not want to provide funding to implement this program"—last month the Senate approved \$35 million in the second fiscal year 1975 supplemental bill to permit LEAA to begin to address the congressional mandate of the Juvenile Justice and Delinquency Prevention Act. Though later compromised to \$25 million in conference with the House of Representatives which had provided \$15 million, it was a start.

The \$75 million contained in today's fiscal year 1976 appropriation bill is indeed significant. The House committee has earmarked \$40 million for the program and its Members should be commended for their commitment to move forward with the program, but I believe that the Senate amount as I indicated to the distinguished chairman, Senator Pastore, earlier this year is more commensurate with the growing delinquency problems and could be wisely spent by public and private agencies this year.

This level of second year funding, when coupled with the recent startup moneys, represents a significant step toward fulfillment of the act's commitment to prevention of delinquency—before the initial serious act or at least at that point—as an integral part of the Federal Government's fight against crime.

I am deeply appreciative of the interest and strong support for this program expressed by the distinguished chairman, Senator McClellan, and Senator Pastore, the distinguished subcommittee chairman.

I urge my colleagues to give the bill favorable consideration and hope that the House of Representatives will agree with our view that prevention of delinquency and efforts to curb juvenile crime demand immediate and adequate funding.

Mr. President, I ask unanimous consent that the appropriate section of the report—page 23—regarding the fiscal year 1976 appropriation for the Juvenile Justice and Delinquency Prevention Act as well as the pertinent part of the supplemental appropriation be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

FISCAL YEAR 1976

Law Enforcement Assistance Administration

SALARIES AND EXPENSES

1975 appropriation-----	\$887, 171, 000
1976 budget estimate-----	769, 784, 000
House allowance-----	769, 638, 000
Committee recommendation-----	861, 638, 000

The Committee recommends an appropriation of \$861,638,000, a decrease of \$25,533,000 below the 1975 appropriation \$91,854,000 over the budget estimate, and \$92 million over the House allowance. The committee recommendation would provide \$40 million for the law enforcement education program, \$75 million for the juvenile justice program, and the budget request level for ongoing LEAA State block grant and other activities.

Under the Omnibus Crime Control and Safe Streets Act of 1968, as amended, the Law Enforcement Assistance Administration is charged with the responsibility for assisting State and local governments in reducing crime and improving the quality of the criminal justice system. This appropriation also includes funds to carry out title II of the Juvenile Justice and Delinquency Prevention Act of 1974.

The House, in its action on the bill, earmarked \$40 million for the law enforcement education program, the same as the 1975 level, and an increase of \$17 million over the President's budget request which had recommended a 45 percent reduction in law enforcement education programs. The effect of the House action would have been to finance the \$17 million restoration of the law enforcement education program by forcing an offsetting \$17 million reduction on ongoing LEAA activities—including block grants to States—which have already been reduced in the budget request by \$110 million. The committee recommendation would restore the law enforcement education program to last year's \$40 million level without reducing ongoing LEAA activities below the budget request.

In similar fashion, the House earmarked \$40 million for the juvenile justice program, an increase of \$15 million over the 1975 level and \$40 million over the President's budget request which had recommended zero for the juvenile justice program. The effect of the House action would have been to finance the \$40 million funding level for the juvenile justice program by forcing an offsetting \$40 million reduction on ongoing LEAA activities—including block grants to States—which have already been reduced in the budget request by \$110 million. The committee recommendation would provide \$75 million for the juvenile justice program without reducing ongoing LEAA activities below the budget request.

The committee's recommendations reflect concern about the recent 17 percent year-to-year increase in serious crime, the possible serious adverse effects on public safety that further reductions in LEAA activities may have on the financial stability of hard pressed State and local police departments—many of which are being forced to lay off police officers—and the fact that over half of the serious crime in this country is committed by youths under the age of 19.

The bill includes \$217,960,000 for LEAA to carry out these programs at essentially the same level as the 1976 committee recommendation during the transition quarter.

FISCAL YEAR 1975 SUPPLEMENTAL

The committee recommends \$35 million for the Law Enforcement Assistance Administration, an increase of \$20 million over the House allowance, of which \$10 million shall be derived by transfer of 1971-74 reversionary funds.

The Juvenile Justice and Delinquency Prevention Act of 1974 authorized \$75 million to implement the provisions of the new legislation. Unfortunately, the administration has not requested an appropriation to carry out the new program. Late last year, the Law Enforcement Assistance Administration requested committee approval to reprogram up to \$20 million to implement this program. This

reprogramming was readily approved by both Appropriations Committees of Congress. Nevertheless, the Office of Management and Budget has yet to release the funds.

The problem of juvenile delinquency prevention is most serious. Almost one-half the serious crimes committed in this country are by youths under 18 years of age.

The committee agrees with the House that because of the OMB delay with regard to the reprogrammed funds, it is necessary for the Congress to reaffirm its earlier reprogramming decision by appropriating additional funds to implement the new juvenile delinquency legislation. In order to increase the efficient and effective expenditure of funds, the committee has extended the availability for \$25 million in new budget authority until August 31, 1975. These funds would be used principally for State formula grant allocations based on population with a minimum grant of \$200,000 to each State. The committee has also included language in the bill to divert \$10 million in 1971-74 reversionary funds to be applied toward the implementation of the new legislation. These funds would be used primarily to accelerate the special emphasis prevention and treatment programs, provide some increased State planning, and develop the necessary administrative mechanism to insure the success of the new program. The committee has provided that reversionary funds shall remain available until December 31, 1975, primarily to insure the stability of the development of a professional staff to administer the program and would expect the grants awarded from reversionary funds to be obligated much earlier in the fiscal year. The committee strongly believes that a staff of at least 51 positions are required to mount the program effectively and has included sufficient funds to support such a staff.

EXECUTIVE OFFICE OF THE PRESIDENT,
OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., September 10, 1975.

Hon. JOHN O. PASTORE,
Chairman, State, Justice, Commerce, The Judiciary Subcommittee,
Appropriations Committee,
U.S. Senate
Washington, D.C.

DEAR MR. CHAIRMAN: The purpose of this letter is to express to you our deep concern regarding H.R. 8121, the State, Justice, Commerce appropriations bill.

The House version of the bill contains a provision limiting the President's ability to conduct diplomatic negotiations related to the Panama Canal. The Senate version contains unacceptable levels of appropriations. We will strongly recommend that the President veto the bill if it is approved by the Conference with these unacceptable provisions.

Compared with the President's budget request, the Senate bill would increase 1976 outlays by \$86 million, decrease those in the transition quarter by \$20 million, and increase those in 1977 by \$161 million. In the light of our need to control the size of the Federal deficit, we do not believe such increases can be justified.

Within the Department of Commerce appropriation, an additional \$209 million has been provided for the Economic Development Administration and the Regional Action Planning Commissions in 1976. The Senate committee report states that these increases, which would primarily fund public works projects, are necessary to deal with the current unemployment situation. It is clear, however, that the outlays from these projects will occur primarily in 1977 and beyond and that the proposed increase will have little impact on present unemployment.

Within the Department of Justice appropriation the Senate bill provides an increase of \$92 million in 1976 for the Law Enforcement Assistance Administration (LEAA). Of this, \$75 million is provided for new juvenile delinquency programs authorized by the Juvenile Justice and Delinquency Prevention Act of 1974 and \$17 million is provided for the law enforcement education program (LEEP). No additional funding for the new juvenile delinquency program was requested in the 1976 budget, primarily because the new act duplicates in large measure legislative authorities already available under the regular LEAA program. The new act also mandates that

LEAA not reduce current spending for juvenile delinquency under regular LEAA programs (estimated at \$140 million annually). Furthermore, supplemental appropriations added by the Congress late in fiscal 1975 (\$25 million) will be available during fiscal 1976 to initiate new juvenile delinquency programs. Funds currently available (approximately \$165 million) are sufficient to mount a successful juvenile delinquency program in 1976. In the case of the law enforcement education program, we continue to believe that the \$23 million requested in the budget is adequate in the light of competing law enforcement priorities.

The Senate version of the bill also increases funding for the Small Business Administration's loan programs by \$58 million above the amount estimated in the President's budget. This increase for low interest direct loans is in addition to the \$200 million provided for the 7(a) direct loan program and the nonphysical disaster program. This add-on would raise 1976 outlays by \$35 million.

In addition to these major funding problems, the restriction in the House version of the bill which prohibits the use of funds for negotiations with Panama over the Canal is highly objectionable. Such a provision, because of the limitation it provides on executive branch ability to conduct international negotiations, in itself would provide a basis for veto.

I will be pleased to discuss with you our concerns with this legislation.

Sincerely yours,

JAMES T. LYNN,
Director.

INFORMATION ABOUT THE NATIONAL ADVISORY COMMITTEE

OFFICE OF THE WHITE HOUSE PRESS SECRETARY,
The White House, March 19, 1975.

The President today announced the appointment of 21 persons as members of the National Advisory Committee for Juvenile Justice and Delinquency Prevention. The President is also designating J. D. Anderson of Omaha, Nebraska as chairman of the committee. The members are:

FOR TERMS OF 3 YEARS

J. D. Anderson, of Omaha, Neb., president, Guarantee Mutual Life Co., Omaha, Nebr.
Allen F. Breed, of Lodi, Calif., director of the Department of Youth Authority, Sacramento, Calif.
John Florez, of Salt Lake City, Utah, director, office of equal opportunity, University of Utah, Salt Lake City, Utah.
Albert Reiss, Jr., of Woodbridge, Conn., chairman, Department of Sociology, Yale University, Woodbridge, Conn.
Cindy Ritter, of Mound City, S. Dak., youth program assistant, extension office, State Department of South Dakota, Mound City, S. Dak.
Flora Rothman, of Bayside, N.Y., chairwoman, of the task force on justice for children of the National Council of Jewish Women, Bayside, N.Y.
Bruce Stokes, of Newark, Del., teacher coordination of distributive education, Thomas McKean High School, Wilmington, Del.

FOR TERMS OF 2 YEARS

William R. Bricker, of Scarsdale, N.Y., national director, Boys Club of America, New York, N.Y.
Richard Curt Clement, of Toms River, N.J., chief of police, Dover Township Police Department, Toms River, N.J.
Wilmer S. Cody, of Birmingham, Ala., superintendent of schools, Birmingham, Ala.
Robert Bradley Martin, of Memphis, Tenn., State representative, Tennessee General Assembly, Memphis, Tenn.
Edwin Meese, III, of Bonita, Calif., vice president for administration, Rohr Industries, Inc., San Diego, Calif.
George H. Mills, of Hauula, Hawaii, medical director, the Kamehameha Schools, Kapalama Heights, Hawaii.
Wilfred W. Nuernberger, of Lincoln, Nebr., judge of the separate juvenile court of Lancaster County, Nebr.

FOR TERM OF 1 YEAR

C. Joseph Anderson, of Terre Haute, Ind., judge of the Vigo County (Ind.) circuit court, Terre Haute, Ind.
Augustine Chris Baca, of Albuquerque, N.M., executive director of the Southwest Valley youth development project, Albuquerque, N.M.
Alyce C. Gullatte, of the District of Columbia, assistant professor of psychiatry and family planning, Howard University College of Medicine, Washington, D.C.
William P. Hogoboom, of Pasadena, Calif., assistant presiding judge, Los Angeles County superior court, Pasadena, Calif.
A. V. Eric McFadden, of Boston, Mass., special assistant to Mayor White of Boston, Boston, Mass.

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Joan Myklebust, of Longview, Wash., recently resigned group life counselor 1, Maple Lane School for Girls, Olympia, Wash.
Michael W. Olson, of Pittsburgh, Pa., 16-year-old youth representative, Pittsburgh, Pa.

The Committee consists of the Attorney General, the Secretary of HEW, the Secretary of Labor, the Director of the Special Action Office for Drug Abuse Prevention, the Secretary of Housing and Urban Development, the Assistant Administrator of the Office of Juvenile Justice and Delinquency Prevention, the Deputy Assistant Administrator of the Institute for Juvenile Justice and Delinquency Prevention, or their respective designees and 21 members appointed by the President.

The committee was established by Public Law 93-415 of September 7, 1974, to make recommendations to the Administrator of the Law Enforcement Assistance Administration at least annually with respect to planning, policy, priorities, operations, and management of all Federal juvenile delinquency programs. The committee shall meet at the call of the chairman but not less than four times a year.

[Excerpt From the Federal Register, Apr. 9, 1975]

DEPARTMENT OF JUSTICE

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

NATIONAL ADVISORY COMMITTEE FOR JUVENILE JUSTICE AND DELINQUENCY PREVENTION

Notice of establishment

Notice is hereby given that the charter of the National Advisory Committee for Juvenile Justice and Delinquency Prevention has been filed with the Committee on the Judiciary, U.S. Senate; Committee on the Judiciary, U.S. House of Representatives; Committee on Education and Labor, U.S. House of Representatives; Committee Management Secretariat, Office of Management and Budget; and the Library of Congress pursuant to section 9(c) of the Federal Advisory Committee Act (Public Law 92-463).

The National Advisory Committee for Juvenile Justice and Delinquency Prevention and two subcommittees were statutorily established by sections 207(a) and 208(d) and (e) of the Juvenile Justice and Delinquency Prevention Act of 1974 (Public Law 93-415). The two subcommittees are: (1) An Advisory Committee for the National Institute for Juvenile Justice and Delinquency Prevention; and (2) an Advisory Committee to the LEAA Administrator on Standards for the Administration of Juvenile Justice. The Advisory Committee and subcommittees will report to and receive support from the Office of Juvenile Justice and Delinquency Prevention, Law Enforcement Assistance Administration (LEAA), U.S. Department of Justice.

The responsibilities of the advisory committee will be advisory in nature. In particular the advisory committee will: (1) Advise the LEAA Administrator in the development of policy, objectives and priorities for all Federal juvenile delinquency programs; (2) advise the LEAA Administrator in the development of reports to the President and Congress which analyze and evaluate Federal juvenile delinquency programs, expenditures made, results achieved, plans developed, and problems encountered in operating and coordinating such programs; (3) advise the LEAA Administrator in the development of an annual comprehensive plan for Federal juvenile delinquency programs, with particular emphasis on the prevention of juvenile delinquency and the development of programs and services which will encourage increased diversion of youth from the juvenile justice system; and (4) advise the Assistant Administration for the Office of Juvenile Justice and Delinquency Prevention, LEAA, in the development of plans for the implementation of the Juvenile Justice and Delinquency Prevention Act of 1974.

The regular membership of the advisory committee shall be appointed by the President from persons who by virtue of their training or experience have special knowledge concerning the prevention and treatment of juvenile

delinquency or the administration of juvenile justice, such as juvenile or family court judges, probation, correctional, or law enforcement personnel; and representatives of private voluntary organizations and community-based programs. The President shall designate the chairman. A majority of the members of the advisory committee, including the chairman, shall not be full-time employees of Federal, State or local governments. At least seven members shall not have attained 26 years of age on the date of their appointment.

Members of the Coordinating Council on Juvenile Justice and Delinquency Prevention shall be ex-officio members of the advisory committee.

The advisory committee will meet at the call of the chairman, but not less than four times a year, and will remain in existence for the duration of Public Law 93-415, or until September 30, 1977.

Notice is also hereby given that Mr. Frederick P. Nader, Acting Administrator, Juvenile Justice and Delinquency Prevention operations task group, Law Enforcement Assistance Administration, U.S. Department of Justice, Room 742, 633 Indiana Avenue NW., Washington, D.C. 20531, is designated as the authorized employee of the Federal Government to perform the duties outlined in section 10(e) of the Federal Advisory Committee Act for this advisory committee, and that Mr. John M. Greacen, Deputy Director, National Institute for Law Enforcement and Criminal Justice, Law Enforcement Assistance Administration, U.S. Department of Justice, 633 Indiana Avenue NW., Washington, D.C. 20531, is designated as the authorized employee of the Federal Advisory Committee Act for the subcommittees of this advisory committee.

Notice is hereby given that the first meeting of the National Advisory Committee for Juvenile Justice and Delinquency Prevention will be held on April 25, 1975, at the Ramada Inn, 100 North Fort Myer Drive, Arlington, Va. The meeting will convene at 9:30 a.m., adjourn for lunch at 12 n., and resume at 1:30 p.m.

The meeting will be open to the public.

For further information, please contact Mr. Frederick P. Nader, Acting Assistant Administrator, Juvenile Justice and Delinquency Prevention, Law Enforcement Assistance Administration, 633 Indiana Avenue NW., Washington, D.C. 20531.

RICHARD W. VELDE,
Administrator.

NATIONAL ADVISORY COMMITTEE FOR JUVENILE JUSTICE AND DELINQUENCY PREVENTION

CHARTER

Preamble

In enacting the Juvenile Justice and Delinquency Prevention Act of 1974, the Congress and the President established within the Law Enforcement Assistance Administration of the Department of Justice an Office of Juvenile Justice and Delinquency Prevention to prevent and reduce juvenile delinquency in the United States: by encouraging the development and implementation of effective methods and programs aimed at the prevention of delinquency, diversion of juveniles from the traditional juvenile justice system, provision of alternatives to incarceration and improvement of the quality of juvenile justice; by encouraging research, demonstration and evaluation activities and disseminating the results of such research to persons and organizations actively working in the field of juvenile justice and delinquency prevention; by developing standards for the administration of juvenile justice; by encouraging the provision of technical expertise and resources to state and local communities to conduct more effective juvenile justice and delinquency prevention and treatment programs; and by providing leadership and coordination at the federal level. The Act also created a National Advisory Committee for Juvenile Justice and Delinquency Prevention to bring together a group of outstanding persons from throughout the United States with special knowledge concerning the prevention and treatment of juvenile delinquency and the administration of juvenile justice to advise the Ad-

ministrator of LEAA, and the Assistant Administrator for the Office of Juvenile Justice and Delinquency Prevention in the implementation of its provisions. It is to carry out these purposes that this charter is granted.

I. DESIGNATION

The committee shall be known as the National Advisory Committee for Juvenile Justice and Delinquency Prevention.

II. AUTHORITY AND SCOPE

The committee will operate pursuant to the provisions of the Federal Advisory Committee Standards Act, Public Law 92-463, OMB Circular No. A-63, (LEAA) Notice H 1300.2, and any additional orders and directives issued in implementation of the act. The committee is established under the authority of section 207(a) of the Juvenile Justice and Delinquency Prevention Act of 1974, Public Law 93-415. The scope of its functions is limited to the duties specified in this charter.

III. DURATION AND TERMINATION

This committee will remain in existence for the duration of Public Law 93-415 or until September 30, 1977.

IV. RESPONSIBLE AND SUPPORTING AGENCY

This committee will report to and receive support from the Office of Juvenile Justice and Delinquency Prevention, LEAA, Department of Justice, 633 Indiana Avenue, NW., Washington, D.C. 20531.

V. DUTIES

Advise the Administrator in the development of policy, objectives and priorities for all Federal juvenile delinquency programs.

Advise the Administrator in the development of reports to the President and Congress which analyze and evaluate Federal juvenile delinquency programs, expenditures made, results achieved, plans developed, and problems encountered in operating and coordinating such programs.

Advise the Administrator in the development of an annual comprehensive plan for Federal juvenile delinquency programs, with particular emphasis on the prevention of juvenile delinquency and the development of programs and services which will encourage increased diversion of youth from the juvenile justice system.

Advise the Assistant Administrator for the Office of Juvenile Justice and Delinquency Prevention in the development of plans for the implementation of the Juvenile Justice and Delinquency Prevention Act of 1974.

Through subcommittees

Serve as the Advisory Committee for the National Institute for Juvenile Justice and Delinquency Prevention.

Serve as the Advisory Committee to the Administrator on Standards for the Administration of Juvenile Justice.

At the Administrator's option, advise the Administrator on other particular functions or aspects of juvenile justice.

VI. OPERATING COSTS

The estimated operating cost is \$35,000.

VII. MEMBERSHIP

There shall be 21 members. The members of the Coordinating Council on Juvenile Justice and Delinquency Prevention established under the authority of section 206(a), Public Law 93-415, shall be ex officio members of the committee.

(a) The regular members of the Advisory Committee shall be appointed by the President from persons who by virtue of their training or experience

have special knowledge concerning the prevention and treatment of juvenile delinquency or the administration of juvenile justice, such as juvenile or family court judges; probation, correctional, or law enforcement personnel; and representatives of private voluntary organizations and community-based programs. The President shall designate the chairman. A majority of the members of the Advisory Committee, including the chairman, shall not be full-time employees of Federal, State, or local governments. At least seven members shall not have attained 26 years of age on the date of their appointment.

(b) Members appointed by the President to the Committee shall serve for terms of four years and shall be eligible for reappointment except that for the first composition of the Advisory Committee, one-third of these members shall be appointed to 1-year terms, one-third to 2-year terms, and one-third to 3-year terms; thereafter each term shall be 4 years. Any members appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed, shall be appointed for the remainder of such term.

VIII. MEETINGS

The committee will meet at the call of the chairman but not less than four times a year.

I grant This Charter This ——— day of ——— 1975.

RICHARD W. VELDE,
Administrator.

REMARKS OF SENATOR BIRCH BAYH, NATIONAL ADVISORY COMMITTEE FOR JUVENILE JUSTICE AND DELINQUENCY PREVENTION, APRIL 25, 1975

I want to take this opportunity to congratulate all of you on your appointments to the National Advisory Committee for Juvenile Justice and Delinquency Prevention. Your membership on this panel represents both a great honor and a great responsibility. On the one hand it is a testament to your knowledge and experience in this field as well as your commitment to the goals of the Juvenile Justice Act of 1974. On the other hand you will soon be participating in the critically important process of planning and coordinating the Nation's juvenile justice and delinquency prevention programs that are so vital to the future of our young people. Moreover, your assumption of this responsibility comes at a time when our juvenile justice system is facing a crisis of serious proportions. As chairman of the Senate Subcommittee To Investigate Juvenile Delinquency, I have become acutely aware of the increasingly serious nature of juvenile crime and our inadequate, ineffective and, all too often, counterproductive attempts to control it. I know I do not have to tell the members of this distinguished group that the increase in crime in America is largely a product of a rapidly escalating crime level among our young people.

The number of juveniles arrested for serious and violent crimes increased 1600 percent in the 20 years between 1952 and 1972. Today, youths between the ages of 10 and 17 make up 16 percent of our populations, yet these same youths account for 45 percent of all persons arrested for serious crime. 51 percent of those arrested for property crimes and 23 percent for violent crimes have not yet reached their 18th birthday. That part of our population, which is under 22 years old, account for 61 percent of the total arrests; while those 25 and under account for a staggering 75 percent of the total number of people arrested annually for serious offenses. In New York City today boys and girls 15 years and under are committing one-third of all violent felonies.

The seriousness of the present situation was dramatically underscored in testimony submitted just last week at our subcommittee's inquiry into juvenile delinquency in our elementary and secondary schools. It was estimated at that hearing that vandalism in our schools is costing the American taxpayer over \$590 million per year. Moreover, a survey of 757 school districts across the country conducted by the subcommittee staff found that teachers and students are being murdered, assaulted and robbed in the hallways, playgrounds and classrooms of American schools at an ever-escalating rate.

Between 1970 and 1973, for instance, 362 teachers were assaulted in Dayton, Ohio schools. In the Kansas City school system over 250 teachers were attacked in that same period. Each year, in fact, approximately 70,000 teachers are physically assaulted in this country, ranging from the shooting death of an elementary school principal in Chicago by one of his pupils to the beating of a high school math teacher in Omaha just last month.

Of course, the principle victims of the crime wave in our educational systems are not the teachers but the students themselves. The number of American students who died in the combat zones of our Nation's schools between 1970 and 1973 exceeds the number of American soldiers killed in combat throughout the first 3 years of the Vietnam conflict. Just in the first 2 weeks of the 1972 school year one student was killed and five others wounded in knife attacks at three different San Francisco schools.

These figures are indeed alarming, but what is perhaps more frightening is that the system of juvenile justice which we have devised to meet this problem has not only failed, but has in many instances succeeded only in making first offenders into hardened criminals. Recidivism among youthful offenders under 20 is the highest among all age groups and has been estimated, in testimony before our Juvenile Delinquency Subcommittee, at between 75 and 85 percent.

These statistics point conclusively to the failure of our juvenile justice system. A failure that can no longer be tolerated. After 4 years of hearings in Washington and throughout the country, the testimony presented to my subcommittee on juvenile delinquency has led me to two important conclusions.

The first is that our present system of juvenile justice is geared primarily to react to youthful offenders rather than to prevent the youthful offense.

Second, the evidence is overwhelming that the system fails at the crucial point when a youngster first gets into trouble. The juvenile who takes a car for a joy ride, or vandalizes school property, or views shoplifting as a lark, is confronted by a system of justice often completely incapable of dealing with him in a constructive manner.

I'm sure you are aware of the limited alternatives available to the juvenile judges in your communities when they are confronted with the decision of what to do with a juvenile involved in an initial, relatively minor offense. In many instances the judge has but two choices—send the juvenile back to the environment which created these problems in the first place with nothing more than a stern lecture, or incarcerate the juvenile in a system structured for serious offenders where the youth will invariably emerge only to escalate his level of law violations into more serious criminal behavior.

In addition to the dilemma we now face as to what we do with the young troublemaker, we are also confronted with thousands of children who have committed no criminal act in adult terms. In fact, almost 40 percent of all children involved in the juvenile justice system today have not done anything which could be considered a violation of criminal law. Yet these nearly one half million children often end up in institutions with hardened juvenile offenders and adult criminals. Instead of receiving counseling and rehabilitation outside the depersonalized environment of a jail, these youngsters are commingled with youthful and adult offenders. There should be little wonder that three of every four youthful offenders commit subsequent crimes.

Each year an excessive number of juveniles are unnecessarily incarcerated in crowded juvenile or adult institutions simply because of the lack of a workable alternative. The need for such alternatives to provide an intermediate step between essentially ignoring a youth's problems or adopting a course which can only make them worse, is evident.

To assist State and local governments in an effort to provide an alternative, the Congress last year overwhelmingly approved and President Ford signed into law the "Juvenile Justice and Delinquency Prevention Act of 1974". The purpose of this act is to make juvenile delinquency a priority concern of the Federal Government. It is designed to prevent young people from entering our failing juvenile justice system, and to assist communities in developing more sensible and economic approaches for youngsters already in the juvenile justice system.

I think we can all agree that Federal efforts in the past have been inadequate. We have not recognized that the best way to combat juvenile delinquency is to prevent it. The act represents a significant Federal commitment to provide leadership, resources, and financial assistance to State and local governments in order to confront all aspects of the delinquency problem.

The Juvenile Justice Act was approved overwhelmingly by Congress which realized that in the past 3 years, the Law Enforcement Assistance Administration had never spent more than 19 percent of its annual budget on juvenile programs, and very little of this on prevention. The Congress also recognized that the lack of coordination and absence of full funding for the many juvenile programs scattered among Federal agencies had to be corrected.

I believe the Juvenile Justice Act of 1974 represents a constructive and workable approach in a joint Federal, State, local and private effort to control and reverse the alarming rise in juvenile crime. A Government Accounting Office study released just this week on the act and its prospects for solving these problems stated that the 1974 act, "if properly implemented should help prevent and control juvenile delinquency."

The GAO report concluded: "Since juveniles account for almost half the arrests for serious crimes in the Nation, adequate funding of the Juvenile Justice and Delinquency Prevention Act of 1974 would appear to be essential in any strategy to reduce the nation's crime."

Because the act represents such a promising solution to these problems, I find it particularly shocking that the President has expressed total opposition to its proper implementation. It is obvious that he does not appreciate either the gravity of the situation nor the terrible cost it is inflicting on our society.

Today, crimes by young people cost Americans almost \$12 billion per year and yet this administration is unwavering in its decision to spend no money under this act to reduce that loss. At the same time that President Ford is asking the American people to come up with \$700 million more to follow the \$150 billion we have already poured into the Vietnam quagmire he refuses to spend one red cent for these programs designed to help our young people. This \$700 million, which the administration is so willing to spend in a doubtful last minute effort to buy a few more weeks in Vietnam, is double the amount requested in our act to mount an all out three year federal commitment to reduce the staggering social and economic costs of juvenile crime here at home.

The FBI has recently announced that serious crime in the United States rose 17 percent last year, the highest annual increase since the FBI began collecting crime data over 45 years ago.

At what point in this escalating level of violence will the President and his administration awaken to their responsibility to the American people?

How many more of our citizens will be terrorized in their neighborhoods, schools, businesses and homes before we become serious about these problems?

Unfortunately, while the administration professes to be shocked and concerned over our skyrocketing crime rates, they have responded with marked indifference to congressional initiatives in this area. I am becoming increasingly frustrated with the enormous gap between the rhetoric and the reality of this administration's concern over rising crime. We cannot begin to solve the crisis of juvenile crime and delinquency by gathering statistics and wringing our hands over the sad picture they present.

Last weekend we marked the 200th anniversary of the beginning of our struggle to establish a just and free society. From this beginning whatever progress we have made in that direction rests in large part on the willingness of our people to invest in the future of succeeding generations. I think we can do better for this young generation of Americans than setting them adrift in schools racked by violence and communities staggering under soaring crime rates.

The Juvenile Justice Act is a product of many years of work by a bipartisan group of people in our communities, and a bipartisan effort to properly implement these programs. I hope that as members of the Advisory Committee you would accept as your initial task the difficult but absolutely vital job of persuading this Administration to implement and fund the Juvenile Justice Act. It is time for us to make our investment in the next generation of Americans.

INFORMATION ABOUT THE RUNAWAY YOUTH ACT

LEGISLATIVE HISTORY: RUNAWAY YOUTH ACT (PUBLIC LAW 93-415—TITLE III)

On November 9, 1971, Senator Bayh introduced S. 2829, The Runaway Youth Act.

Hearings were held by the Subcommittee To Investigate Juvenile Delinquency on January 13-14, 1972 on S. 2829.

On July 31, 1972, S. 2829 passed the Senate unanimously.

On January 31, 1973, Senator Bayh reintroduced the Runaway Youth Act as S. 645.

On June 8, 1973, S. 645 passed the Senate unanimously; was introduced in the House on July 16, 1973 as H.R. 9298 and was incorporated into H.R. 15276 and S. 821 sent to the President on August 21, 1974.

Signed into law on September 7, 1974 as title III of Public Law 93-415, the Juvenile Justice and Delinquency Prevention Act of 1974.

Administered by the Department of Health, Education and Welfare, Office of Youth Development.

Public Law 93-415 authorizes \$10 million for each fiscal year 1975, 1976 and 1977.

Labor-HIEW Appropriation Bill, H.R. 8069, passed the Senate September 26, 1975. Reported out of House-Senate Conference on December 8, 1975 and sent to the President.

\$5 million appropriated for fiscal year 1975, \$7 million appropriated for fiscal year 1976, \$1.2 million appropriated for the Transmittal Period (July 1-October 1), fiscal year 1977 appropriations have not been decided.

Labor-HIEW Appropriations bill was vetoed by the President on December 19, 1975, veto overridden on January 27, 1976 by the House. (\$8.2 million for July 1, 1976 to September 30, 1977).

Ford rescission (impoundment) likely.

[From the Louisville (Ky.) Courier-Journal, Aug. 26, 1973]

YOUNG RUNAWAYS NOW A LARGE-SCALE NATIONAL PROBLEM

(By George Kentera)

Washington—An important fact is obscured by the news from Houston about the murders of young boys by a homosexual and two teen-age friends.

That fact is that the problem of runaway young people—a problem that contributed, considerably to the Houston murders' going undetected—is a national problem, not one confined to Texas.

Houston police defend themselves against charges of laxness in the murders by saying they had neither the authority nor the manpower to keep track of the city's 5,000 runaways per year.

But Houston is only a tiny part of the runaway problem in the United States.

Senator Birch Bayh, D-Ind., chairman of the juvenile delinquency subcommittee of the Senate Judiciary Committee, put the problem in these words earlier this year on the Senate floor:

"In the early 1950s, an estimated 275,000 children (under 18) ran away from home each year. Today, as many as one million children run away each year. I believe that it is time for the federal government to take effective action.

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"The runaway problem has continued unnoticed for many years because it is a silent problem, far less dramatic than a silent problem, far less dramatic than most of the other ills that affect our young people.

"Most runaways are not criminals. Instead, they are confused boys and girls who are overburdened with personal, family or school problems and decide to flee. They deserve our help and understanding, but instead they have been treated with indifference and even hostility."

Bayh's figures are buttressed by statistics from the FBI's uniform crime statistics.

Those statistics show that more than 130,000 arrests for running away were made by law enforcement authorities in 1967. They also show that figure rose to 269,000 in 1971—and fell to 199,185 in 1972. Incidentally, the 1972 statistics show that 56.4 percent of those arrested as runaways were girls.

And the runaways have been getting younger.

This year's report of the Senate Judiciary Committee on the subject notes: "The most common age of runaways reported by the witnesses who operate runaway programs (to house and help runaways) is 15. However, the prevalence of younger runaways is increasing. It was noted that a few years ago the most common age was 16 or 17. More recently, 43 percent of the runaways reported in New York were in the 11-to-14 age category."

The FBI statistics on runaways corroborate the Houston police view that runaways are of such a number as to preclude thorough police attention to them. But it could also be argued, from the statistics that the runaway is a problem of such dimensions that it requires more police attention, as the Houston parents have been saying in recent days.

"Although some of the parents in the Heights area (where most of the murdered Houston boys lived) may have felt we have not been doing all we could have, we never would have enough people to check out every runaway youth," Herman Short, the Houston police chief, said recently.

The Senate Judiciary Committee report, in effect, agrees with Chief Short, but it also underlines the scope of the runaway problem as one demanding greater attention by nonpolice means.

"FBI arrest statistics demonstrate that runaways significantly occupy police time," it said. "Runaways are the seventh most frequent reason for arrest in a list of 21 categories, even though the runaway category is the only one which applies exclusively to people under 18.

"Second, the police are not equipped to provide counseling and can only return a runaway to his home."

The Senate's answer to the problem, both last year and this year, has been the Youth Runaway Act, authorized by Sen. Bayh and co-sponsored this year by 23 other members of the Senate.

On July 31, 1972, the Senate by voice vote approved the bill, but it died with the 92nd Congress in the House. The Senate passed the bill again last June 8, again by voice vote, and it is once again lodged in the House Education and Labor Committee.

In fact, Rep. William Keating, R-Ohio, has now called for quick committee action in the light of the Houston slayings. The equal opportunity subcommittee of the full committee has yet to hold hearings on the measure, and Keating asked that those hearings be scheduled as soon as possible.

The Bayh proposal would appropriate \$10 million a year for 3 years to provide assistance to local groups, primarily in the large cities, who operate temporary shelter care programs in those areas where runaways tend to congregate.

The bill would also authorize funds to conduct research on the scope of the problem in the United States, particularly into the types of children who run away.

The Senate Judiciary Committee report said of the shelter care programs: "Unlike traditional halfway houses, these facilities are designed to shelter young people for a very short period of time. These facilities could be used by the courts and the police to house runaways temporarily prior to their return home or to another permanent living arrangement.

"However, their primary function is to provide a place where runaways can find shelter and immediate assistance, such as medical care and counseling.

"Once in the runaway house, the young person would be encouraged to contact home and re-establish a permanent living arrangement.

"Professional, medical and psychological services would be available to these houses from the community as they are needed.

"Most importantly, the shelters established will be equipped to provide field counseling for both the runaway and his family after the runaway has moved to permanent living facilities.

"If field counseling is not appropriate or feasible, information on where to seek more comprehensive professional help will be supplied. In short, these houses will serve as highly specialized alternative to the traditional law enforcement methods of dealing with runaways."

[From the Louisville (Ky.) Courier-Journal, Jan. 14, 1972]

U.S. OFFICIALS OPPOSE BAYH BILL TO HELP RUNAWAYS

Washington—Federal welfare officials testified yesterday that the problem of runaway youths is real and growing but opposed a bill by Sen. Birch Bayh, D-Ind., to authorize \$10 million a year to finance shelters and counseling for them.

Philip K. Rutledge and Robert Foster of the Welfare Department said at a hearing of a U.S. Senate juvenile delinquency subcommittee that present law provides both funds and authority to help support homes for runaways as part of a broader program to deal with youth problems. Rather than legislation directed solely to shelters for runaways, Rutledge said the department favors retaining flexibility to assist State and local agencies in a variety of programs designed to assist young people and stabilize family relationships.

Clark County officials are expected to tell their juvenile delinquency story to the subcommittee today, and they have a 5-year report to back up their testimony.

Superior Court Judge Warren W. Martin Jr. and Chief Probation Officer Mrs. C. B. Barthold are to appear before the group, headed by Indiana Sen. Birch Bayh.

Bayh and Kentucky Sen. Marlow Cook are co-sponsors of a bill that would arrange housing and rehabilitation services across the country for apprehended juvenile runaways. The Indiana Democrat and the Kentucky Republican propose that the Federal Government grant funds to organizations outside of the law enforcement structure and juvenile justice system to deal with an "alarming increase" in juveniles leaving home without parental permission.

Bayh said "it's like pulling teeth" to get Congress to vote funds for the kind of comprehensive program urged by the welfare officials.

He said he thought his bill would be more saleable because it was intended to help runaway youth meet their problems before they became involved in crime.

The bill, called the Runaway Youth Act of 1971, would be financed by the U.S. Department of Health, Education and Welfare annually, beginning in fiscal year 1973.

Judge Martin and Mrs. Barthold, who have released portions of a report covering juvenile court activities in Clark County during 1966, 1970 and 1971, said they are in favor of the proposed bill. It closely parallels what his Superior Court—which has exclusive jurisdiction over juveniles in Clark County—has been doing for some time, Martin said.

In a joint statement prepared for the subcommittee meeting, Martin and Mrs. Barthold said that "the bill comes closer to the real needs of runaway children in this country than any other piece of legislation proposed up to this time."

Martin and Mrs. Barthold, in their report to the subcommittee, included data from 1966 through 1971 showing that the percentage of runaway youths they handled ranged from 7.7 percent of the total caseload in 1969 to 18.5 percent in 1967. According to the report, 10.9 percent of the 1,426 juveniles handled last year by the Clark County probation office were runaways.

In the subcommittee report, Judge Martin also described his court's recently established intensive probation and foster-home programs as "alternatives to incarceration" concepts. He feels these concepts should be considered by any agency or committee charged with setting up interstate shelter houses if the act is passed. "In fact, both programs are partially funded with federal money," Martin said.

Preliminary figures from the five-year comparative study show, among other things, the delinquent behavior by teenage girls increased in 1971.

Some other statistics the two Clark County officials are to present to the Senate subcommittee and which will be included in the annual and 5-year comparative study are:

The number of juveniles referred to the Clark County Juvenile Court during 1971 is up almost 90 percent over the 1966 total and 16 percent above the 1970 total. The increase in 1970 over 1966 was 66 percent.

Decrease in commitment of youths appearing in Superior Court to correctional schools, hospitals, state farms, prisons and private institutions. Fifty-three were committed in 1966, 30 in 1970 and 26 during last year.

A slight decrease in the number of youths returned to correctional institutions. Ten were returned in 1966, 11 in 1970 and eight in 1971.

A 5 percent decrease in male juvenile referrals during 1971 over the previous year, while the number of female referrals increased 5 percent in 1971 over 1970.

A total of 72 juveniles placed in the foster-home or intensive probation programs.

Bayh said available information indicates that as many as one million children run away from home every year. He said arrests of runaways have increased by 60 percent in the last four years.

"If we help the runaway deal with the problems that caused him to run," he said, "we can prevent many runaways from becoming truly delinquent."

Rutledge testified that Federal funds are now being provided for four runaway houses and assured Bayh that his agency intends to put more emphasis on the problem in the future.

[From the Decatur (Ind.) Democrat, Sept. 6, 1973]

BAYH TALKS OF RUNAWAY ACT

Washington, D.C.—The shocking and tragic slayings of at least 27 youngsters during the past three years in Houston furnish new and compelling evidence of the importance of speedy congressional action on the Runaway Youth Act.

Apparently many of the youngsters who became the fatal victims in this bizarre case were runaways picked up on the streets of Houston. It is estimated that one million young Americans run away from home each year. The Houston tragedy is but the latest and most dramatic example of the perils runaway youngsters face on the streets of our major cities.

The Runaway Youth Act, which I first introduced in early 1972, and which has twice passed the Senate, is designed to provide temporary shelters and counseling services for runaways and thus reduce the chances that they will fall prey to criminal elements. The bill, passed overwhelmingly in July of this year by the Senate, is now before the House. I am hopeful that we can get house action before the end of this year.

The bill authorizes \$10 million a year to finance runaway houses which could provide youngsters with shelter, food and counseling designed to enable them to return home voluntarily under conditions designed to prevent repeated efforts to run away.

During the hearings of the Senate Juvenile Delinquency Subcommittee on this bill witness after witness testified that young runaways frequently arrive in a strange city or town without means of sustenance and are often forced into delinquency or subjected to abuses from street gangs, drug pushers or hardened criminals. Many are picked up by police and treated as criminals subject to incarceration in jails.

[From the Miami (Fla.) Herald, Sept. 12, 1973]

RUNAWAYS TELL SENATE PANEL OF ORDEAL IN ADULT JAILS

Washington—(UPI)—"They just threw me into a cage with a bunch of drunks," Kenneth, a blond 14-year-old, nervously told Senators. "I was scared." He had been about 12 at the time and a runaway. He remembers how one of the drunks—"he was a big guy"—tried to assault him.

"First I ran and tried to get away from him," he told the Juvenile Delinquency Subcommittee. "Then I started screaming. The jailer eventually came and took me out."

Chairman Birch Bayh (D., Ind.), said that on any given day close to 8,000 juveniles are held in jails in the United States. He estimated that more than 100,000 youngsters spend one or more days each year in adult jails or police lockups.

The subcommittee is studying legislation, sponsored by Bayh, to improve State juvenile delinquency facilities.

Lyn, a slight, midwestern girl of 14, told the panel of experiences in jails, beginning at age 12.

"The longest was 17 days. Most of the time we just sat around and put puzzles together.

"No one came to talk to us, to help us with our problems."

Frequently, Lyn said, she was put into jail cells with adult offenders, many of them prostitutes.

"They told us ways not to get caught," she said.

[From the Christian Science Monitor, Aug. 17, 1973]

PROTECTING YOUTH

The discovery of the slaying of 27 youths in Houston is rightly provoking earnest inquiry about the problem of missing or runaway youths in America.

A New York City official says that although his city has some 20,000 runaways in it at any moment, something like the Houston tragedy "couldn't happen here." Other officials, however, say that as many as one in 10 of such youths get caught up in prostitution or other crimes, preyed upon by unsavory adults waiting to take advantage of them.

It cannot be said too often that the front-line defense of youth is the home, with the values and understanding and affection expressed daily there. The tremendous obligation of parenthood to make home life a secure foundation for children must be reaffirmed in every individual household.

But as a Monitor report on runaways in New York this week points out, there are also steps which government and social agencies can take to help youths whose homes have failed them.

New York City has created a special unit which seeks out youths on the run there. Congress is weighing a Runaway Youth Act which would provide shelter and food for runaways. The Department of Health, Education, and Welfare is now funding pilot halfway houses for runaways, "hotlines," and police training courses. Such steps, which are being augmented by local programs and activities of individuals, deserve strong support.

The public should note warily many shifts in public values and in community patterns. The Houston tragedy, even after discounting possible police laxity in following up leads, showed a stunning isolation and lack of communication within the community itself. It may partly be the fault of TV or the automobile, but people today live too much as strangers in their own neighborhoods.

A valuable sense of community has been allowed to lapse. Such a sense of community provides a warning system as well as the positive values of friendship and recognition. Job practices such as employee transfers which put the values of family and community stability beneath a company's convenience, have added to the creation of "bedroom" communities of strangers.

Is there no collective caring for youth, which could lead to adequate community centers, useful job training, or help when home becomes unbearable?

One wonders too whether the recent slackening of moral codes has opened gaps through which youths are slipping to dangerous if not tragic encounters. We hope the response to the Houston slayings will be a sober and thorough reweighing of public and private responsibilities toward not only the missing or the runaway, but toward youth collectively.

[From the Christian Science Monitor, Aug. 29, 1973]

HOME IS WHERE MOST RUNAWAYS START—AND ANGER DOESN'T HELP PARENTS

(By Robert M. Press)

He came to the youth worker in tears.

His 15-year-old daughter had run away from home—as an estimated 1 million juveniles in the United States do each year. More than half of them are girls.

He was not sure of the right thing to do, but if she came back he planned to file a "stubborn child" complaint against her in court, even though that could lead to her being locked up as a juvenile delinquent.

This father's angry reaction was just the opposite of what people working with runaways suggest. And since the recently discovered mass murder of teen-agers in Houston, Tex., the problem of runaways is receiving increased attention nationally.

REJECTION "THE WORST THING"

"The worst thing is rejection by the parent," says Robert Foster, acting commissioner of the Office of Youth Development, Department of Health, Education and Welfare.

Mr. Foster suggests a runaway's parents:

Immediately notify the police that the child is missing, how long, where he or she might have gone. "Hopefully the kid will be protected against the kinds of things that happened in Houston."

"Then it is time for the parents to think about why. What does that [running away] tell us? What can we do to strengthen the family?"

If the runaway contacts the parents again, the parents should not ask: "Why did you do this to us?" They should indicate they want to work the problems out and want the kid home."

"Then if necessary, seek family counseling, mental health assistance, or help from a religious organization."

HOME PROBLEMS FREQUENT

Many runaways cite problems at home as their reason for leaving. Once on the run they find few places to go for legitimate help, so many turn to crime to support themselves. In most states they can be arrested for the "crime" of running away, so they avoid the police.

"Many times the problem is with the parents," says Mr. Foster. "The real need for assistance might be for the parents, not the kids."

But runaways need a place to go for help, she said. There are only about 60 homes for runaways in the United States and they reach only about 35,000 runaways a year, she said.

Sandy (not her real name) was one of those who recently found help at Boston's only runaway home, Project Place.

"The main reason I left home was that I'm turning into a junkie (drug user) again. I don't want that. It's really a bummer. I haven't hit it in almost two months, but I really want it," she said in an interview.

SOMETIMES JUST ADVENTURE

But she said narcotics was not the only problem. She had run away from home more than a dozen times, usually going to stay with friends, but sometimes hitting the road for adventure.

"My stepfather is an alcoholic. He gets down on me. Once he hit me over the head with a frying pan." Why did she show at Project Place? "They can straighten my head out. We can talk, try to figure out a way for me to

get off dope and straighten out the home situation or get a foster home. The last time I was here they really cared. I know I have a place to come to when I need it," she said.

NEEDED: 'SOMEONE TO CARE'

"Some kids are out for a good laugh—to prove they are big and bad," she said. Many of them get involved in prostitution, selling and using narcotics, stealing. When asked what kind of help they needed, Sandy said: "Someone to care." Those calling for more homes for runaways and repealing laws against running away argue that this caring is not found through punishment.

"Provide safe places for them and get them out of the criminal element," says U.S. Representative William J. Keating, Republican, of Ohio. His bill now before Congress would provide \$2 million a year for 3 years for police teletypes and other assistance to broadcast nationally data on missing youths. A bill by Senator Birch Bayh, Democrat, of Indiana would provide \$10 million a year for 3 years for more runaway homes.

[From the Nation, April 20, 1974, pp. 486-8]

STREET GIRLS OF THE '70s

(By Celeste MacLeod)

BERKELEY.—Peggy will not sleep in a doorway tonight. She will stand on the street until some man decides to take her home for dinner and bed in exchange for sex. Peggy is 15 and has been living on the streets of Berkeley for more than a year. Her counterparts haunt certain sections of dozens of American cities. Is she a special problem of the sour 1970's? No, she is a variation on a very old one.

Girls like Peggy used to be called wayward—some people still use the term. Peggy hasn't had much in life, but she is rich in labels. Doctors may have labeled her a battered child, if they saw her at all as an infant. Her parents and others who raised her began by calling her nuisance, brat and slut, and ended by declaring her incorrigible, petitioning the courts to dispose of her. Newspapers called her a juvenile delinquent; some gentle souls called her a strayed lamb and prescribed Bible verses; while the labels that psychiatrists and social workers put on her could run for pages. Judges called her whatever they saw fit and sent her off to reform school. They had little choice, because few options exist for these girls whom nobody wants.

In the past, we heard little about the Peggy's in our society because they were locked away in State institutions. They could be kept there until they turned 21, even if they had done nothing that would be considered a crime if committed by an adult. They were imprisoned for their own protection, the law said, to keep them from the danger of leading "an idle, dissolute, lewd, or immoral life." The emergence of a street scene in this country has given some of these girls an alternative to spending their teens behind bars. It has also given people a chance to know these girls outside an institutional setting and to evolve new ways of helping them. Beth Barmack and Elaine Zimmerman, young women involved in community action, have been working with street girls of Berkeley for 3 years. In 1971, while students at the University of California, they volunteered to teach English at East Campus (the Berkeley continuation high school, a loosely structured, half-day program for students who can't function well in the regular setting).

They found that girls in their classes (many of them former street people who had been in and out of foster homes and juvenile halls) had a strong need to share their experiences and explore alternative means of survival. To fill this need, Zimmerman and Barmack started a women's program. They covered topics such as jobs for women, single mothers, rape, prostitution and sexism, using current articles and speakers to evoke group discussions. The strong response to their program led them to set up additional problem-solving sessions, where girls could discuss their lives and crises. They also talked with dozens of street girls on Telegraph Avenue, after their students had introduced them as "safe" (meaning that they wouldn't turn in

runaways). [See MacLeod: "Street People: The New Migrants," *The Nation*, October 22, 1973.]

In a resulting paper by Elaine Zimmerman, "Berkeley's Juvenile Girls in Conflict," a vivid picture emerges. Girls on the street come from "alarmingly difficult family backgrounds," she found. From infancy on they have been tossed from parents to grandparents, friends, foster homes and juvenile halls. Only 1 in 20 grew up with both biological parents. With little education and virtually no salable skill except sex, they "have low self-images, base their identities on possession of a man, do not trust women, have no respect or faith in authority, are lonely and bored, and have no one to confide in." But they are eager to be loved and cared for.

Wilma is still looking for love. She spent her first 5 years with family friends in Oklahoma, until her mother remarried and took back Wilma and her brother. Wilma never saw her real father. Her mother, herself a runaway, was determined that her daughter would not go astray. To that end, she beat her continually, using "whatever was handy—a bullwhip or a yardstick"; as punishment she burned her daughter's hand over the electric stove. When she was 9, Wilma's mother split her head open with a belt buckle and rushed her to the hospital, telling the doctors she had fallen out of a tree house. Then the mother's marriage broke up, Wilma was sent to friends, put into foster homes, reclaimed by her mother, who kept her 1 day and sent her back to friends. When Wilma was 12, her mother phoned: "Wilma, please come home, I love you. I need you." Wilma rushed back. A few months later her mother beat her senseless. During the next years she was in and out of reform schools, mental hospitals and the street. At 13, she escaped from a reformatory and went to New York's East Village. She lived with a succession of men, and for a time came under the protection of the Hells Angels, but she often went hungry, was raped many times, and turned to drugs. Eventually she came out to California and settled down on the streets of Berkeley.

Many of Wilma's problems stem from her status. The runaway girl is a fugitive, forced to live like an escaped convict, even if her parents have thrown her out and she has been on her own for years. Legally, she must be under the supervision of a parent, guardian, husband or the State until the day she turns 18. (Age laws may vary from State to State; boys are generally free at 16.) In a few States, she can apply at 16 to become an emancipated minor, but as a runaway with a record, she has little chance of being granted that status. She cannot take a job to support herself. She cannot enroll in school and finish her education. She cannot take part in any activity where her identity may be recognized, or she will be thrown into jail. Most girls survive by the only means open to them—panhandling, subsistence prostitution and sometimes petty theft. Meanwhile, they search for "the" man, who they dream will give them all the love they never had.

In practice the runaway laws have generated a strange irony. A man who gives a ride to a female runaway may be more likely to get into trouble if he tries to help her (he may be arrested for contributing to the delinquency of a minor) than if he rapes her and leaves her stranded on the highway. Police are unlikely to believe such a story from a distraught girl who has obviously "been around." Last year Mia, a 17-year-old girl who lived with her boy friend with parental consent, was kidnapped and raped by another man. When she reported it to the police, they arrested her as a runaway and shipped her off to juvenile hall, instead of going after the rapist. Wilma had a similar experience on the east coast at 16, when she went back for a visit. Raped and dumped by a man who gave her a ride, she made her way to the nearest police station, where she was promptly arrested. The judge, seeing her past record, said he would sentence her to the State reformatory until she was 21, unless the social worker put her on a plane to California (and out of his State's way) within 24 hours. Miraculously, the social worker came up with the fare.

Not all girls who run away fit the "discard" category. During the flower children era of 1967, it became fashionable to run, and masses of middle-class children turned up on the streets, fresh from home. Runaway centers, such as Huckleberry House in San Francisco and Runaway House in Washington, D.C., gradually opened in many cities, to help both runaways and

their parents. The need for more such facilities led to the proposed Runaway Youth Act, introduced in 1971 by Senator Birch Bayh. (It passed the Senate in 1972 and 1973 and is now in committee in the House.) The bill allocates grants, through HEW, for small runaway centers to provide "temporary shelter and counseling services" for runaways. I keeps such centers "... whenever possible ... outside the law-enforcement structure and juvenile justice system." At hearings held early in 1972, Brian Slattery of Huckleberry House said that, judging from his conversations with them, "Police patrolmen almost unanimously think that runaways should not be a police problem, that having police arrest and detain them ... doesn't help either the runaways, their families, or the police."

Several witnesses pointed out that the majority of runaways in America are girls. Girls are also arrested more often than boys for status offenses—runaway, truancy and the MINS, PINS and CINS statute (minors, persons and children in need of supervision). Girls are jailed for status offenses longer than boys (or girls) are jailed for felonies such as theft or assault. Such treatment is legal, because their incarceration is labeled prevention instead of punishment. Thus, when a 17-year-old girl was sentenced to 4 years at the Connecticut State Farm for Women, because she was "in manifest danger of falling into habits of vice" (*Mattielo v. Conn.* 154 Conn. 737) the Supreme Court, in 1969, refused to review the case. Preventive detention, a practice we deplore in Communist and Fascist countries, is all right in our own, as long as it is applied only to children.

The landmark 1967 *Gault* decision, which gives children arrested for a crime the right to a lawyer, is not always extended to girls held on status offenses—because they have committed no crime. Appeal after conviction is rare, since the girls usually come from poor families, and there are no jail-house lawyers or law books in juvenile institutions. Once girls are committed, the only way they can get out, it seems, is over the wall, and many girls who were sentenced to institutions after they ran away from home have managed to escape. No matter how difficult and depressing their life on the street, every girl interviewed prefers this homeless existence to incarceration in an institution. "At least you're free." Yet they are not happy with street life. As one girl put it, "I'd like a place to crash where you don't have to ball all the time." Passage of the Runaway Youth Act can give more such girls a place outside the feared juvenile justice system where they can go for help.

For Shirley, the support she received from the women's program at East Campus may have been the rock that anchored her. When she was a baby, her mother (who had run away from her own punitive father) worked as a prostitute to put her husband through college. Often she received her customers in the same room with Shirley. After graduating, the father left them, and Shirley's mother had a nervous breakdown. She was never the same, says Shirley. When she was 12, her mother urged her to have affairs "for experience." At 14, Shirley was kidnapped by two couples: she was beaten, raped, and had her hair shaved off. The police would not believe her story; they advised Shirley's mother to send her out of town for a while, which she did. When it was time to return, her mother would not send the bus fare. Shirley hitchhiked back and, finding herself unwelcome at home, went to the streets of nearby Berkeley. She slept in a school warehouse, panhandled, lived with a series of men, and had two abortions. During this same period she enrolled at East Campus (theoretically, she was under parental guidance and not a runaway); she was graduated from high school and joined the women's program. "It came at the right time for me," says Shirley, who today at 18 is in better shape than many girls emerging from "rehabilitative" institutions. She found a job in a bookstore, has developed a strong sense of self and plans to enter college.

Shirley and Wilma are both white, but patterns similar to their lives occur in every racial background. Foster homes, the traditional placement for these girls, are rarely successful. The girls have been in and out of so many foster homes already that they have lost faith in the parental role, no matter who plays it. "It's too late for them to put on ribbons and be sweet little girls in a nuclear family," says Zimmerman. Teen-aged girls are also the hardest to place, she adds, because they spell sex and trouble to foster parents, just

as they did to their own. Zimmerman and Barmack favor the new concept of small group homes in a community setting. They are in the process of setting up such a home in Berkeley.

Ten juvenile girls will live cooperatively in the group home, attending Berkeley's continuation high school. A staff member will be on hand around the clock, aided by part-time therapists. By exchanging experiences in group sessions and in everyday life, says Barmack, the girls will find that their problems are not unique and that they can learn from another. No longer dependent on a male for survival as they were on the street, they can make friends with other girls, instead of viewing them as hated rivals. They will have a voice in shaping house policies, as well as being responsible for their share of the work. But it will be their house, says Barmack, a different situation from the authoritarian atmosphere they knew in homes and institutions.

Staff members at Sanctuary, a runaway center in Boston, share Barmack and Zimmerman's belief that large juvenile institutions are destructive. In "Nothing Left to Lose" Jeffrey Blum and Judith Smith tell how difficult it is to reach juveniles who come out of State institutions. These young people, they find, "do not come out unscathed. They adapt to survive: they become cynical, manipulative, amoral." Massachusetts closed all of its juvenile institutions in 1972. In the past 3 years New York City has closed three of its four secure juvenile facilities, diverting children into foster or group homes instead. The National Association of Sheriffs has condemned the practice of jailing juveniles. Nevertheless, incarceration remains the major way of dealing with troubled children in this country.

In "The Throwaway Children" Judge Lisa Aversa Richette of Philadelphia poignantly describes the tragedies that engulf children who are brought before the juvenile court, and the frustration of court personnel who have no effective way to help them under present laws and programs. "There are no houses—nice or otherwise—for children who are rejected by everyone and literally thrown away into the streets like litter," she wrote in 1969. "Not in Philadelphia, nor in any American city. Jails, detention centers, correction institutions, yes. But a quiet loving home where a boy or girl can live, study, and be understood, that is quite another thing." Judge Richette believes that "due process of law—one of society's most profoundly civilized values—may mean more in the life of all children than all the rhetoric of the therapists." Some of the changes in juvenile law which she advocates in her writings are contained in Federal legislation now pending.

In 1972, after many hearings, the Subcommittee To Investigate Juvenile Delinquency of the Senate Judiciary Committee developed the Juvenile Justice and Delinquency Prevention Act. It was introduced by Senator Bayh, chairman of the subcommittee, and Senator Marlow Cook of Kentucky. The bill would provide resources (both money and consultant help) for States and communities that set up new programs for juvenile offenders, emphasizing small community-based facilities such as group homes, half-way houses, foster care and shelter-care facilities. "There's a real need for Federal leadership in this area," says John M. Rector, staff director and chief counsel of the subcommittee. In President Nixon's 25,000-word State of the Union message, Rector points out, "There was . . . not one word that would reflect a concern for young people in trouble."

The bill (now in committee) is preventive, Rector adds. It sets up a series of Youth Service Bureaus from which children with problems can be referred to appropriate agencies for help. The aim is to keep young people from ever becoming entangled in the juvenile justice system. Other features of the bill include increased constitutional rights for arrested juveniles, more effective sealings of juvenile records, the prohibiting of jailing juveniles with adults, and an office in H.E.W.

No changes in age limitations are included in the present bill. Wilma is angry that the court would not let her be on her own at 15 or 16, so she could have looked for work without being arrested. Bob Walker, an attorney at the Youth Law Center in San Francisco, says a minor status is an advantage for some, because it requires their parents or the state to support them. For girls like Wilma, who in fact have been on their own since 12 or 13, Walker thinks the law should offer a way for them to become emancipated long before 18.

Tom Jennings, another attorney at the Youth Law Center, says lawyers are making gradual headway in challenging statutes that allow juveniles to be jailed on virtually any pretext. In *Gonzales v. Maillard* (ND Calif. 1971) a three-judge panel ruled that the statute phrase "in danger of leading an immoral life" is "unconstitutionally vague." But statutes designating persons in need of supervision are still on the books in most States. A Puritan strain permeates our laws pertaining to juvenile girls. Their morals are considered more important than their rights or welfare. Girls, but not boys, are locked up for having sexual relations at an early age.

This same attitude extends into the home. Parents often regard their adolescent daughters as potentially dangerous sex machines, which must be strictly regulated to perform as directed. Girls have been declared incorrigible by their parents, and jailed for many years, for offenses such as having friends the parents don't like, staying out late one night, or talking back.

Group homes may not be the answer for all such girls, but they are a hopeful alternative to penal dumping grounds. Zimmerman and Barmack in Berkeley believe that the confidence and self-reliance which girls can develop in a group-home setting will keep them from becoming tomorrow's adult throwaways. As Judge Richette puts it: "We generally underestimate just how much young people can do for themselves, if adults will let them."

[From the Washington Star-News, July 7, 1974]

THE RUNAWAYS

(By Ann McFeatters)

The United States has a runaway problem.

Estimates for the children who run away from home vary from 600,000 to 1 million a year. Many are gone only a night or two and return home safely. Others become drug addicts or prostitutes and even murder victims.

The average age is 15. More than half are girls.

Congress is working on a solution. But as the Federal program comes closer to enactment, the controversy grows about the approach to housing and counseling services.

Many runaways say they would not go to shelters that force them to call home. Some police and social workers fear the system would be too cumbersome to work.

Meanwhile hundreds of children run away every week leaving their parents waiting to hear from them, worrying, wondering what went wrong.

D.C. Runaway House is a three-story, inner-city gray stone building operated by private donations. It is bleak and dilapidated. Names, dates and old messages are scrawled on walls and woodwork, a tawdry and pathetic reminder of an unending parade of wandering, often frightened children trying to scratch their marks on the world.

Aged 13 to 16, the youngsters sit around an old dining room table on a tacky assortment of chairs. Although they have known each other for only a few days and soon will part, unlikely to see each other again, they have a ready camaraderie. They joke, tease and empathize easily.

At Runaway House they are welcome for as long as 2 weeks. There is a floor for girls and a floor for boys and four full-time counselors. The runaways must find money to eat on their own but they are directed to part-time jobs and legal and medical help if they need it.

A girl, 16, with a fragile loveliness says she ran away from a town "far away" when her stepfather sexually molested her.

D.C. Runaway House got her a job selling flowers. She plans to go back to school in the fall and to share an apartment with a new-found 26-year-old girl and she talks enthusiastically about going to college. She says her parents know she is safe but she won't tell them where she is or what she is doing.

A 15-year-old boy, sitting, is being given free legal help through the runaway house. He ran away from reform school where he was sentenced to eight months for drug abuse.

"The Establishment is always trying to get me," he says. He is friendly and likeable and says he is ready to give up hitchhiking and to go home to his parents and back to school after 14 months on the road.

Another girl who left home in Pennsylvania 2 weeks before says: "I hated my family. I hated the area. I hated the people. I hated the school. Is that a good enough reason for you?"

She has talked to her parents but refuses to go home. "I want to get into a foster home but they won't let me," she says plaintively. She bristles when asked if she is scared. "I didn't run away. I ran to something. A friend told me about the runaway house. I got on a bus after school and came down here." She doesn't know what she will do now.

A visitor enters the room; at 14, he is a recognized leader. He teases the Pennsylvania girl for being so naive "she only got 15 cents on her first day of panhandling."

He is smart, tough, good looking and likeable. He has hitchhiked across the country many times and knows where to go for food, shelter and health care in nearly every major city.

He lives in a nearby foster group home by court order. "Survival depends on who you know and what you know," he says. "You don't ever have to go hungry. But some 13-year-old chick who doesn't know anything but her own room and school will die of starvation if she doesn't learn fast."

He says he always has had problems with his parents. "My mother is too over-protective," he says. "One night I got busted in Mississippi for being a runaway and got taken home. My parents started screaming at me about cutting my hair. I left the next day."

A 17-year-old girl comes into the room. She is jubilant. "All my problems are solved," she announces. "My father's outside. I'm going home."

She says she has been away for 2 weeks because of family arguments. "My folks favored the boys (her brothers) and blamed me for everything. They were scared I wasn't ever coming back. They've promised to let up on family arguments and be nicer."

"I'm glad I ran away," she reflects. "It's been an adventure. This place is nice. But I'm glad I'm going home."

She is greeted with a chorus of "sissy runaway" and "you just think everything's going to be all right—just wait." But she just smiles good naturedly.

Across the empty uncarpeted hall in the sparsely furnished living room, her father sits on the edge of an old sofa. He nervously turns his hat in his hands, over and over. His balding head is ringed with perspiration. He looks as if he has not slept for days.

An estimated 60 privately funded or partially public runaway centers are spread across the country.

These include Huckleberry's in San Francisco, the Berkeley Runaway Center, Project Place in Boston, the Bridge in Minneapolis and San Diego, Ozone House in Ann Arbor, Mich., Covenant House in New York City, Amicus House in Pittsburgh, and Valley Youth House in Bethlehem, Pa.

One of the most famous was Looking Glass in Chicago. But after 4 years in which 3,000 children and their families were helped, Looking Glass had to close because of lack of money.

Sen. Birch Bayh, D-Ind., chairman of the Senate Juvenile Delinquency Subcommittee, says: "Most runaways are not criminals. Instead they are confused boys and girls who are overburdened with personal, family or school problems and decide to flee. They deserve our help and understanding but instead they have been treated with indifference and even hostility."

Legislation pending in Congress calls for strengthening interstate reporting of runaways, setting up a research program to determine how many children run away and authorizing \$10 million a year to establish, maintain and operate temporary housing and counseling services to help get runaways back home.

The most significant argument against the bill is the question of whether runaways would go to shelters which were required to immediately notify parents as any center getting Federal money would have to do.

The D.C. Runaway House, for example, sometimes angers policemen because there is no house requirement that parents be notified, although house counselors advise the youngsters that this would be best. Unless they have an order for custody, a type of warrant for a missing child, police may not search the Runaway House.

It's also debated whether a string of Government funded runaway centers across the country would encourage children to leave home.

Another issue is whether, tracing runaways should be a police matter. In most States it is illegal for a minor to leave home without his parents' consent. And this makes it a police matter.

Bayh argues this means runaways often are locked up in jail "where they are frequently beaten, neglected and homosexually assaulted." He says police time is needlessly wasted.

Others also point to the issue of children's rights. If a child consistently runs away and does not want to live at home, should he or she be forced to go back? Do children have a say in where and how they live?

The Nixon administration does not like the Bayh bill. It wants to amend the current juvenile delinquency prevention law to let State and local governments handle runaways in their own way with some Federal research and demonstration projects. It would cost much less than Bayh's approach.

Most experts agree the runaways are most in need of counseling.

Most counselors try to convince them to go home unless they sense an intolerable situation. Then they help the runaways find temporary jobs, get legal help, get back to school and find foster homes.

[From McCall's Monthly Newsletter for Women, November 1974]

THE NEW RUNAWAYS

(By Mary Scott Welch)

Back in the mid-sixties—when runaway children first became a national problem—the typical youngster was not running from a bad home and parents. He or she was running to something—the drug scene of Haight-Ashbury or the East Village, the counterculture of an Arizona commune or just the freedom of the open road.

Nearly a million kids still run away from home every year. But the new runaway is a different breed. He's younger than ever: Increasing numbers of 11- and 12-year-olds have brought the average age down to 13 or 14, according to FBI statistics. Girl runaways now outnumber boys. Those who turn up in cities are more likely to come from working-class homes than the affluent surroundings earlier runaways seemed to be rejecting. (That, police officials admit, may be because middle-class kids now flee to the wilderness rather than the streets.)

The most significant difference between today's runaways and the flower children of the 1960s is to be found in the scene that they're leaving. According to Brian Slattery, codirector of San Francisco's Huckleberry House, a halfway house for homeless youths, "70 to 80 percent have significant family problems. Those who leave just to be traveling and seeing California are probably five percent, if that."

More and more, youth counselors are discovering that today's runaways feel unwanted at home. "For a long time before a girl runs away, she absorbs parental signals, both imaginary and real, telling her that the family would be better off without her," says Sanford Sherman, Executive Director of the Jewish Family Services in New York City. "You're too much for me" an exasperated mother may say once too often—or I'm ready to give up on you. The parents may often fight over her, to the point that she begins to see her own flight as a constructive move, a means of restoring peace to the family. Conflicts may seem to center around curfews and other such traditional restraints, for girls are still supervised more rigidly than boys. But the actual message that gets across to the runaway is, "Get Lost!"

She may even run to escape institutionalization by parents who no longer want to cope with her and are threatening to take her to court and have her declared an incorrigible or a Person in Need of Supervision. Every year a half million adolescents are sent to detention houses, state schools and jails for offenses that would not be considered crimes if they were adults. While some undoubtedly break juvenile laws, authorities are becoming alarmed at the growing number they believe are simply "difficult" adolescents whose impatient parents dump them just because they don't want to bother with them any more.

Why are so many parents so unable to deal with their children? Teenagers are more assertive, more worldly, wise, less susceptible to authoritarian management. Parents are more preoccupied with their own lives, less willing to devote themselves to problem children. More families are fractured by divorce, so that more children are being raised by a single harried parent or a new, sometimes hostile stepparent. More families are on the move, leaving their children without any feeling of permanence or any lifelong friends they can rely on.

"Let me describe the kind of kid who is least likely to run away," William Treanor, director of Runaway House in Washington, D.C., told a Senate investigating committee not long ago. "That is a young person who has at least one other sibling, who is living with both of his natural parents, who has not moved during the period that he has been in school—his family has not changed houses, or at least neighborhoods—and whose family has some kind of value system that they are trying to transmit to the child and are consistent about it. The reason I say that * * * is because I do not recall ever seeing a runaway that was raised that way."

Recently passed by Congress, Senator Birch Bayh's Runaway Youth Act will put \$10 million a year for 3 years into increasing and improving services for the dislocated young. Additionally, it will underwrite a \$500,000 research study on who runs away, why, and how to prevent such complete and sometimes irreversible breakdowns of parent-child relationships.

But the best prevention begins at home. Sanford Sherman advises parents to watch for warning signals, such as a door that is constantly closed, both literally and figuratively. He urges parents to take the initiative to break down the barricades between them and their child, even when they think they've done all they can and it's really the child's move. Child vs. adult is an uneven struggle; parents can afford to be big about it. In every way possible, he says, convey the idea that, whatever happens, the child belongs. Make sure he knows that you are unconditionally on his side, always ready to help him. And that no matter how hard he may try he simply can't make you throw him away.

[From the Evansville (Ind.) Press, May 3, 1975]

NEW LAW AIDS CENTERS FOR RUNAWAYS

(By Ann McFeatters)

Washington—Two years after the grisly Houston murders of 27 runaway boys, the Federal Government is implementing a new law to protect runaways, learn more about them and counsel them and their families.

The runaway youth act, sponsored by Senator Birch Bayh, Democrat, Indiana, was passed last fall by a Congress haunted by the Houston horrors and troubled by the estimate that more than 1 million runaway children are hitchhiking and roaming the streets around the country.

Since the bill was signed into law last September, bureaucrats at the Department of Health, Education, and Welfare have been writing proposed regulations and sending them to superiors for review. Final regulations are expected to take effect May 22.

The key provision of the bill is to establish or strengthen existing runaway centers where children who have left home can go for shelter, food, and counseling.

The HEW office of youth development this week sent out application forms to private groups that want money for runaway houses.

Although most runaways do not commit crime and return home after a night or two at a friend's house, the FBI reports the number of runaways arrested has jumped 60 percent in recent years. Also runaway youths without food or shelter, roaming the streets in large cities, are more likely to turn to prostitution, drugs, or shoplifting.

There are an estimated 60 privately operated runaway houses around the country but most of them have been in danger of closing for lack of money.

HEW estimates the \$5 million Congress authorized for the bill for fiscal 1975 (and a like amount for 1976) will help finance 50 programs. The highest grant will be about \$75,000 to big-city centers.

[From the Chicago Tribune, May 12, 1975]

WHY CHILDREN RUN AWAY

(By Ronald Kotulak)

A man's home may be his castle, but an estimated 1 million kids each year find that their homes are turned into dungeons.

That's the number of children and youths who find their home life so terrible that they run away. The latest figures show that in 1971 some 200,000 runaways were apprehended.

"Adolescents and children are running away from home, hitting the road, living on the street more than ever before," said Dr. William M. Schmidt of the Harvard School of Public Health and chairman of the Massachusetts Committee on Children and Youth.

A number of studies show that one out of three are 14 years old or younger and a small percentage are 10 or younger, he said. More than half are in the 13- to 15-year-old age group.

More than half of the runaways were girls, and some surveys found that girl runaways outnumbered boys two to one.

Most of the runaways mean business, and they are not just running away for a few days to have some fun, Schmidt said.

Some of the most important reasons that will prompt a child to flee his home are crises of family discord, arguments, abuse, and alcohol-related behavior. Troubles in school or with the law and unwanted pregnancies are not big factors, he said.

Doctors especially should be on the watch for these runaways because their street life increases the risk of illness, he said. Their hand-to-mouth existence, poor diet, poor personal hygiene, and perhaps alcohol and drug abuse make them easy prey for disease, he explained.

Skin infections, parasitic infestations, sexually transmitted diseases, unwanted pregnancies, respiratory infections, and gastrointestinal disorders were found to be common among these youngsters, Schmidt said.

"Runaway young persons are generally frightened, often angry, and frequently sad and depressed," he said.

As individual children, they need the protection provided by runaway houses, where after a short stay they may find that they can go home, or where some alternate arrangements can be worked out, he added.

Schmidt said there was a serious lack of private or governmental facilities that deal with runaways' needs.

Some places that offer help to runaways are the National Runaway Switchboard [800-621-4000] in Chicago which may be called free of charge. The switchboard offers suggestions and provides information on available services.

The other is Operation Peace of Mind [800-231-6946] in Houston which accepts calls free of charge from youngsters who want to have a message sent to their parents.

[From the Washington Post, Dec. 28, 1975]

KEEPING OUR CHILDREN OUT OF JAIL

(By Joel A. Levich and Laurel F. Vlock)

Debby A. ran away from her comfortable middle-class home in Detroit several times recently and finally wound up in jail. Not because she stole anything, hurt anyone or committed any crime, but because she continually ran away. She spent 12 days in a juvenile lockup awaiting a court hearing and was eventually sentenced to a year in a state home for girls. Her mother, her teachers and the judge all agreed the 14-year-old was "out of control" and needed more help than they could provide in any other way.

Fifteen-year-old Charles S. refused to attend school regularly and was suspended for truancy and sassing a teacher. "He's hanging out with a bad group," his mother told the judge in explaining why she had filed a petition on her own son. "His father and I can't handle him anymore; so for his own good something has to be done with him." The judge complied and sent Charles to the Tennessee State Training School for 18 months.

Every year in the U.S., 200,000 youngsters under the age of 18 are arrested and detained at least a few days in jail for offenses which no adult could be punished for. These are called status offenses because they apply only to youth and, although labeled different things in different states, generally fall into the categories of running away, truancy and ungovernability. Although not all of those held in jail pending a hearing wind up with long-term sentences—4 months to 2 years or more—a lot do, perhaps as many as 40,000 a year.

This system of jailing status offenders has been under severe attack for years by reformers who claim it is unjust and a violation of the basic civil liberties of juveniles. Congress responded last year by passing a new juvenile delinquency bill sponsored by Sen. Birch Bayh (D-Ind.) which, among other things, mandates that within 2 years states wishing to obtain money under this bill can no longer put children who have not committed a crime in jail, either pending a hearing or for long-term confinement. It does not, however, remove status offenders from the juvenile justice system entirely, as many reformers would have preferred.

Surprisingly, a chorus of protest is being heard from parents, teachers, judges and lawmakers who oppose the bill. They point to skyrocketing juvenile crime statistics and maintain that ungovernable children usually need more, not less, authority in their lives in order to straighten out. Without at least the threat of incarceration, they claim, treatment becomes impossible.

And it is not only the threat they see as important. In many areas of the country parents have long used their actual power to have their children sent away as a disciplinary measure of last resort. Under the new bill, that power would be taken away. This section of the bill has proved so controversial that, so far, nine states—Alabama, Colorado, Hawaii, Kansas, Oklahoma, Rhode Island, Utah, West Virginia and Wyoming—have refused to buy into the bill rather than comply.

Teachers, traditionally progressive in their thinking, now are militantly demanding law and order in the schools even at the price of children's rights.

Recently, outside a juvenile court hearing room in Tulsa, Mrs. Fred G. waited with her 13-year-old daughter Nan who sat next to her, sullen and unresponsive. "What am I to do? I'm at my wit's end," pleaded Mrs. G. "She never listens to me and she's out every night. Last week her brother found out that she's been seeing men besides. I want the judge to tell her right where she's going to wind up if she doesn't stop being a tramp—in jail."

In fact, status offender girls pose a particular problem for authorities and are often judged differently than their male counterparts. This is reflected in the fact that 70 percent of girls in prison today are there for status offenses—for boys the figure is 28 percent.

"Whether we like it or not, there's still a double standard in our society" says Connecticut juvenile court judge Margaret Driscoll, president of the National Council of Juvenile Court Judges. "With girls who defy authority there is the constant threat that they will turn to prostitution or be taken advantage of in some way."

Judge Driscoll does not agree that status offenders never should be incarcerated and is particularly critical of those who want to deprive the court of jurisdiction over them entirely. "If these children can't be brought to court, what on earth is going to happen to them?" she asks. "Are they seriously telling us that when all else has failed they are simply willing to leave 13- and 14-year-old girls out on the street to fend for themselves?"

The reformers admit that this is a sticky question and one which they must be prepared to answer. Bob Smith, deputy director of the California Youth Authority, feels that risks must be taken. "It is very harsh to say this and I know I am going to shock a lot of people" he says, "but, in my mind, even these youngsters will be less damaged if left out on the street than if exposed to the downward spiral of our juvenile justice system. Unfortunately, history has shown that we too often have been the cause rather than the cure of juvenile crime. The answer is not to jail these kids but to provide more and better counseling agencies to which they can turn if they wish."

Smith's statement leads straight to the philosophical heart of the matter for it implies that if they do not wish it, juveniles have the moral, and many say the constitutional, right to reject all authority as long as they do not commit a crime.

Another reformer who believes that the State assumes too much authority in juvenile matters is University of California criminologist Anthony Platt. Platt's book, "The Child Savers," written in 1969, was a severe indictment of the entire juvenile court concept. Says Platt, "The whole category of youthful deviance which we now call status offenses was simply invented about 75 years ago by wellmeaning people who were terribly certain they knew what was best for children. I think that their system has failed miserably. It is today simply a way to punish children—particularly poor children—arbitrarily, on the flimsy excuse that it's for their own good."

And so the controversy continues. For the moment the reformers seem to be carrying the day since they soon will have succeeded in keeping status offenders out of jail in most states. Their next campaign is certain to be for the abolition of status offenses generally.

According to Milton Rector, president of the National Council on Crime and Delinquency, a private, non-profit agency and long a champion of this cause, prospects are good for success here too. "I'd say that within 5 years most states will adopt laws that exclude status offenders from the purview of the Juvenile Court," says Rector.

On the other side are those who believe that relinquishing control of status offenders will make the job of curbing juvenile crime even more difficult. How, they ask, can you give up the ability to regulate the lives of children who have already shown a tendency toward delinquency, especially when statistics show that more than half of these youngsters will one day wind up in court charged with a criminal offense anyway?

"We've got to get a hold of them while they're still young and there's still a chance," explains Warren Cain, supervisor of probation at San Francisco's Juvenile Court. "No matter how you slice it, a kid is not an adult."

[The Christian Science Monitor, June 4, 1975]

U.S. HELP FOR TEEN-AGE RUNAWAYS

(By Robert P. Hey)

Washington—Seventeen-year-old Paul stole the family car two weeks ago and ran away from his home in suburban Washington; 5 days later he and four friends from his school turned up in California. Paul ran away the day his high school counselor told him his grades were so poor he would not graduate this year.

After weeks of building anger at his parents, 16-year-old Michael ran away from home one March Monday. For 2 months his distraught parents heard only one word from him: "hello"—and that indirectly. It was relayed by a national telephone center for runaways in Chicago. Last week he returned home; his parents now know he spent those months in New York City, supporting himself by working as a delivery boy.

In an anguished cry for help, 14-year-old Jimmy ran away from his middle-income Washington home last month. A sensitive, dependent boy, he phoned his father 3 days later from New York—hungry, broke, and anxious to return home.

Paul, Michael, and Jimmy are three of hundreds of thousands of youthful runaways in the United States each year—and their numbers are growing immensely.

What can be done to help them?

According to latest available figures collected by the FBI (for 1973), 265,600 youths were arrested in 1973 as runaways. This compares with 199,000 in 1972; and 102,000 in 1966.

More runaways are 13- or 14-years-old than any other age; and in 1973, 10,992 were under 12.

In the next few days, Senate appropriations subcommittees are to decide how much money they want the Office of Youth Development to spend next fiscal year helping runaway youth, through a law Congress passed in 1974.

The law would grant Federal funds to local police and private groups—with emphasis on nonprofit, low-budget organizations—to provide shelter, care facilities, and counseling assistance to runaways to return voluntarily to their parents.

To the dismay of the chief congressional sponsor, Sen. Birch Bayh (D) of Indiana, the Ford administration last year did not ask additional money for this aid to runaways. Instead it allocated for these purposes half the existing \$10 million annual budget of the Office of Youth Development, in the Department of Health, Education, and Welfare (HEW).

Congressional sponsors of the measure complained that the growing runaway problem demanded more Federal effort—including more money—not just a redivision of the same amount of effort and money.

The Ford administration, however, has pointed to the immense Federal deficit—estimated at not less than \$60 billion for this coming year. Neither runaways nor any other Americans can be helped by the Federal Government, it says, if the deficit gets completely out of hand, with disastrous consequences for the national economy.

For the coming fiscal year, which begins July 1, the Ford administration asks \$5 million in additional money for the youth runaway provisions.

On the other hand, Senator Bayh will ask the Senate appropriations subcommittee for twice that amount.

Even as the appropriations subcommittees prepare to discuss the financing issue, local organizations are filing their proposals to aid runaways with the HEW in order to qualify for some of the \$5 million in Federal funds which the Government already has earmarked from 1975 funds. This is the last week for such filing.

A key part of the requirements—that shelter and counseling places do not notify the police when a runaway comes for aid. The reason—if they did, most runaways never would seek the aid that so many need.

Perhaps when these new shelter-counseling organizations are fully under way the Nation will have a better idea of how many youths run away each year. Police arrests statistics do not tell the full story; neither Paul, Michael, Jimmy, nor most runaways were arrested.

By one estimate some 2 million youths were runaways between 1969 and 1972. And the number is growing. Now, with the funding of the runaway youth provisions of the Juvenile Delinquency Law, the Government is increasing its efforts to help them.

[From the National Association of Counties News Weekly, Dec. 1, 1975]

JUVENILE JUSTICE AND DELINQUENCY PREVENTION

Although President Ford, in his 1976 Budget Message, again failed to request any funds for the Juvenile Justice and Delinquency Prevention Act of 1974, Congress nevertheless appropriated \$40 million as part of an \$809.6 million appropriation to LEAA. The appropriations bill was signed by President Ford Oct. 21.

A "maintenance of effort" requirement (imposed on LEAA under the Juvenile Justice and Delinquency Prevention Act of 1974) requires LEAA to expend in fiscal 1976 what it spent for juvenile delinquency in fiscal 1972 (or an estimated \$110 million) over and above the \$40 million appropriated for the Juvenile Justice Act itself.

Assuming the full \$40 million is released by the Office of Management and Budget, the money will be appropriated as follows: \$9.8 million for special emphasis or discretionary funding; \$23 million in formula grants; \$500,000 for concentration of federal efforts; \$6 million to the National Institute for Juvenile Justice and Delinquency Prevention; and \$700,000 to administer and staff the newly created Office of Juvenile Justice.

The Juvenile Justice and Delinquency Prevention Act of 1974 contains authorization of \$75 million for fiscal 1975, \$125 million for fiscal 1976 and

\$150 million for fiscal 1977. In June a supplemental appropriation of \$25 million was approved for fiscal 1975. To date nine states have elected not to apply for formula grants; Alabama, Colorado, Hawaii, Kansas, Oklahoma, Rhode Island, Utah, West Virginia and Wyoming.

RUNAWAY YOUTH ACT

Title III of the act, short titled the "Runaway Youth Act," places the administration of certain provisions relating to runaway youth within the Department of Health, Education and Welfare. During fiscal 1975, \$5 million was appropriated for title III against an authorization level of \$10 million. (The act also authorizes \$10 million for fiscal 1976 and fiscal 1977).

Of the \$5 million appropriated for title III, \$4 million was distributed in grants under part A of the title. This section authorizes grants to localities and non-profit private agencies for temporary shelter, counseling and referral services to runaway youth and their families. Preference is given to voluntary programs; to proposals of \$75,000 or less and to programs whose overall operating budget is under \$100,000 per year. Of the remaining \$1 million, up to \$500,000 was to be used to conduct a national survey of runaway youth and \$500,000 was spent to provide technical assistance to programs. During fiscal 1975, 65 runaway facilities received funds out of 260 proposals submitted. Most of the grants went to private agencies but there were some public and semi-public agencies funded.

For fiscal 1976, the Senate Appropriations Committee approved an appropriation of \$10 million. The House Appropriations Committee appropriated \$5 million. A House-Senate Conference Committee will probably split the difference.

[Excerpt From the Federal Register, April 22, 1975]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

OFFICE OF HUMAN DEVELOPMENT

[45 CFR Part 1351]

RUNAWAY YOUTH: PROGRAM AND ACTIVITIES

NOTICE OF PROPOSED RULEMAKING

Notice is hereby given that the Assistant Secretary for Human Development, with the approval of the Secretary of Health, Education, and Welfare proposes to issue regulations to implement the Runaway Youth Act, title III of the Juvenile Justice and Delinquency Prevention Act of 1974, Public Law 93-415, approved September 7, 1974, which authorizes financial assistance for the purpose of developing local facilities to deal primarily with the immediate needs of runaway youth in a manner which is outside the law enforcement structure and juvenile justice system. For this purpose it is proposed to add part 1351 to 45 CFR chapter XIII.

Part A of title III provides for grants and technical assistance to localities and nonprofit private agencies for the establishment, strengthening, or funding of such local facilities.

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed part 1351 on or before May 22, 1975 to the Office of Youth Development, Office of Human Development, Department of Health, Education, and Welfare, 400 Sixth Street, SW, Room 1651A, Washington, D.C. 20201. All written submissions made pursuant to this notice will be made available for public inspection at the above address on Monday through Friday of each week from 9 a.m. to 5:30 p.m. (area code 202, 245-2873).

Federal financial assistance under part 1351 is subject to the regulations in 45 C.F.R. part 80, issued by the Secretary of Health, Education, and Welfare and approved by the President, to effectuate the provisions of section 601 of the Civil Rights Act of 1964 (42 U.S.C. 2000d).

Federal financial assistance under part 1351 is also subject to the provisions of section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794).

The provisions of 45 C.F.R. Part 74 and certain enumerated chapters of the Department of Health, Education, and Welfare Grants Administration Manual shall apply to all grants under this part.

Dated: March 27, 1975.

STANLEY B. THOMAS, JR.,
Assistant Secretary
for Human Development.

Approved: April 15, 1975.

CASPAR W. WEINBERGER,
Secretary.

Chapter XIII of title 45 of the Code of Federal Regulations is amended by adding part 1351 as follows:

PART 1351—RUNAWAY YOUTH

Subpart A—Definitions

Sec.
1351.1 Definitions.

Subpart B—Grants Program

1351.10 Purpose.
1351.11 Eligibility.
1351.12 Duration of Federal assistance.
1351.13 Application; scope.
1351.14 Application; content.
1351.15 Priority.
1351.16 Size of grant.
1351.17 Approval by Secretary.

Subpart C—Contracts

1351.25 Purpose.
1351.26 Provisions.

Subpart D—Grants Administrative Provisions

1351.30 General.
1351.31 Nature and use of grants.
1351.32 Application, review, award, and amendment of grants.
1351.33 Cost sharing, matching, and payments.
1351.34 Confidentiality and other public policy requirements.
1351.35 Financial and administrative requirements.
1351.36 Reporting requirements.
1351.37 Grantee procurements.
1351.38 Property requirements.
1351.39 Allowability of costs.
1351.40 Grant closeout, suspension and termination [Reserved].

SUBPART A—DEFINITIONS

§ 1351.1 Definitions.

For the purposes of this part, unless the context otherwise requires:

(a) "Act" means the Runaway Youth Act, Title III of the Juvenile Justice and Delinquency Prevention Act of 1975 (Public Law 93-415).

(b) "Aftercare counseling" and "aftercare services" mean the provision of services to runaway youth and their families, following the youth's return home or placement in alternative living arrangements which assist in alleviating the problems which contributed to their running away.

(c) "Area" means a specific neighborhood or section of the locality in which the runaway program is or will be located.

(d) "Budget period" means the intervals of time, usually 12 months, for which funds are awarded.

(e) "Counseling services" means the provision of guidance, support, and advice to runaway youth and their families designed to alleviate the problems which contributed to the youth's running away, resolve intrafamily problems, and to help youth decide upon a future course of action.

(f) "Demonstrably frequented by or reachable" means located in an area in which runaway youth congregate or an area accessible to runaway youth by public transportation or by the provision of transportation by the runaway house itself.

(g) "Facility" means a physical structure in which services are provided to runaway youth and their families.

(h) "Grants Administration Manual" (hereinafter referred to as the GAM) means the Department of Health, Education, and Welfare staff manual which sets forth policies for the administration of grants by agencies of the

Department. The manual is available to the public by purchase on a subscription basis from the Superintendent of Documents, U.S. Government Printing Office. In addition, it is available for public inspection and copying in the Department's central and regional office information centers pursuant to the Department's public information regulation (45 CFR part 5).

(i) "Juvenile justice system" means agencies such as, but not limited to, juvenile courts, law enforcement, probation, parole, correctional institutions and detention facilities.

(j) "Law enforcement structure" means any police activity or agency with legal responsibility for enforcing a criminal code including, but not limited to, police departments and sheriffs' offices.

(k) "Locality" means a unit of general local government such as a city, county, township, town, borough, parish or village, or a combination of such units.

(l) "Nonprofit private agency" means any agency, organization or institution no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual. It may include agencies which are fully controlled by private boards or persons.

(m) "Office" means the Office of Youth Development within the Department of Health, Education, and Welfare.

(n) "Past experience," with respect to the priority of private organizations or institutions for funding under this part, means that a major activity of such organizations or institutions has been the provision of temporary shelter, counseling and referral services to runaway youth and their families, either directly or through linkages established with other community agencies.

(o) "Program budget" means the total amount of funds expended by the applicant on services for runaway youth in the area during the 12 months preceding the submission of its application.

(p) "Runaway house" means a locally controlled facility outside the law enforcement structure and the juvenile justice system providing temporary shelter, either directly or through other facilities, and counseling services to runaway youth.

(q) "Runaway youth" means a person under 18 years of age who absents himself from home or legal residence without permission of parents or legal guardian.

(r) "Secretary" means the Secretary of the Department of Health, Education, and Welfare.

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

(t) "Technical assistance" means the provision of expertise for the purpose of developing and strengthening services for runaway youth.

(u) "Temporary shelter" means the provision of short-term room and board by a runaway house.

SUBPART B—GRANTS PROGRAM

§ 1351.10 Purpose.

(a) The purpose of this subpart is to assist States, localities and nonprofit private agencies to develop local facilities to deal primarily with the immediate needs of runaway youth in a manner which is outside the law enforcement structure and the juvenile justice system;

(b) Grants will be made under this subpart for the purpose of establishing, strengthening or funding existing or proposed runaway houses.

§ 1351.11 Eligibility.

(a) Grants under this subpart may be made to States, localities or nonprofit private agencies: Provided, however, that agencies and organizations which are a part of the law enforcement structure and the juvenile justice system are not eligible applicants;

(b) Nothing in this part shall be construed to:

(1) Deny grants to nonprofit private agencies fully controlled by private boards or persons but which in other respects meet the requirements of this part. Such private agencies must agree to be legally responsible for the operation of the runaway house;

(2) Give the Federal Government control over the staffing and personnel decisions of facilities receiving Federal funds.

§ 1351.12 Duration of Federal assistance.

(a) A project grant shall be awarded for a specific budget period not in excess of 12 months;

(b) Grantees may reapply for and receive continued grant support for additional 12 month budget periods or less contingent upon having met all the requirements of the Act and this part, having demonstrated satisfactory past performance, and upon the availability of funds. Grant support, however, shall be limited to three budget periods.

(c) The budget period may be extended without additional grant support for a period not in excess of 12 months, when required to assure adequate completion of the approved project.

§ 1351.13 Application; scope.

An application for establishing, strengthening or funding a runaway house, must provide for temporary shelter to runaway youth and counseling services to both youth and their families. Funds may be requested for the acquisition and renovation of existing structures, staff training and the general costs of operating the runaway house. There is no provision for Federal financial participation in the construction of new facilities under this subpart. (For matching requirements, see Subpart D.) Federal participation in the cost of acquisition and renovation of existing structures shall not exceed 15 percent of the amount provided in the Federal grant award. Under special circumstances an applicant, on the basis of a demonstrated need, may receive a waiver from the Secretary of this 15 percent limitation.

§ 1351.14 Application; content.

An application for funds under this subpart shall contain the following information:

- (a) A budget for the proposed period and a budget justification;
- (b) A description of the qualifications, roles and functions of the principal staff to be responsible for the project;
- (c) A detailed description of a staffing pattern which conforms to applicable State and local licensing requirements. At a minimum, the staffing pattern must provide for the presence of at least one adult staff member on the premises whenever youth are using the runaway house and for a staff member to be on the premises or accessible by telephone 24 hours a day when youth are not using the facility;
- (d) A description of the methods to be employed in providing staff and decisionmaking roles for youth in the operation of the runaway house;
- (e) A description of the methods to be followed in utilizing youth and adult volunteers in the operation of the runaway house;
- (f) A description of the methods to be employed in implementing the following programmatic goals:
 - (1) Alleviating the problems of runaway youth;
 - (2) Reuniting youth with their families and encouraging the resolution of intrafamily problems through counseling and services;
 - (3) Strengthening family relationship and encouraging stable living conditions for youth;
 - (4) Helping youth decide upon a future course of action.
- (g) A description of the services to be provided;
- (h) A statement as to the capacity for temporary shelter for runaways, with the assurance that no facility utilized by the runaway house for this purpose shall have a maximum capacity of more than 20 youth;
- (i) Documentation of the number of runaway youth in the area and the existing services available to runaway youth. Applicants shall be required to provide the following:
 - (1) Annual statistics on the number of runaway youth in the area compiled from police, welfare, juvenile court, existing runaway service providers, and other resources documented by source;
 - (2) Annual data on available services for runaway youth in the area, including a listing of the existing temporary shelter facilities outside the law enforcement structure and the juvenile justice system and other available services for runaway youth and their families, indicating their service capacity.

(j) Documentation that the runaway house is or will be located in an area which is demonstrably frequented by or easily reachable by runaway youth. The documentation provided may consist of police contact reports, social service agency reports or other types of relevant data to substantiate that the facility is or will be located in an area which runaway youth frequent or verification that the facility is or will be located in an area easily accessible by public transportation or that transportation is or will be provided through arrangements with other agencies or by the facility itself;

(k) Assurance that the runaway house shall comply with or exceed applicable State and local licensing requirements including, but not limited to, building, health and safety codes;

(l) A description of the plans to be followed in contacting the runaway's parents, legal guardian or relatives. In the absence of applicable State laws, the runaway house shall be required to contact the youth's parents, legal guardian or relatives preferably within 24 hours but no more than 72 hours following the time of the youth's admission into the runaway house;

(m) A description of the procedures to be followed in assuring the safe return of the youth, either home or to an appropriate alternative living arrangement, according to the best interests of the youth. The procedures to be employed must provide for the involvement of both the youth and the parents or legal guardian, and must be geared toward developing a consensus as to what constitutes the best interests of the youth;

(n) A description of the arrangements to be established with appropriate agencies for the provision of alternative living arrangements for those youth for whom returning home is not determined to be in their best interest;

(o) The methods to be employed in securing transportation and for assuring the safe arrival of youth who are returned home or are placed in an alternative living arrangement. If the parents or legal guardian are unable to meet the youth, the runaway house shall make appropriate arrangements to have the youth met, either by a representative of another runaway house or of an appropriate agency in the locality to which the youth is being returned. The runaway house shall be required to contact the youth's home or alternative placement within 12 hours after the scheduled arrival to confirm the safe arrival of the youth;

(p) A description of the provisions to be made, as needed, for aftercare counseling and aftercare services for runaway youth and their parents within the State and, to the extent possible, for runaway youth and their parents within the State which the runaway house is located;

(q) A description of procedures to be followed in contacting local government agencies pursuant to working relationships established with such agencies by the runaway house;

(r) A description of the methods to be employed in returning, in accordance with applicable Federal, State and local laws, youth who have run away from correctional institutions. This shall not be construed to mean that the runaway house shall bear the financial cost of returning these youth;

(s) A description of the procedures to be followed for establishing working relationships with law enforcement personnel;

(t) Assurance that the runaway house can and will comply with the statistical reporting requirements and shall submit data including, but not limited to, the number of youth served; their age, sex, race/ethnicity, and socio-economic background; the places from which they ran; and the types of services provided to both youth and their families;

(u) Assurance that the runaway house can and will comply with evaluation reporting requirements including, but not limited to, an assessment of its effectiveness in alleviating the problems of runaway youth; in reuniting youth with their families and encouraging the resolution of intrafamily problems; in strengthening family relationships and encouraging stable living conditions for youth; and helping youth decide upon a future course of action;

(v) Assurance that records on individual youth will not be disclosed without the written consent of the parents or legal guardian except to a court involved in the disposition of criminal charges against the youth or to another agency compiling statistical records. Disclosure of information to an agency compiling statistical records shall be in a non-personally identifiable form. In order for an agency compiling statistical records to obtain access to individual case records, such agency must document that it is conducting

bona fide research on or otherwise has a bona fide interest in runaway youth programs. Reports or other documents based on such statistical records shall not disclose the identity of individual youth;

(w) Assurance that the runaway house can and will comply with the required accounting procedures and fiscal control devices;

(x) Assurance that the runaway house shall submit an annual report detailing how its programmatic goals have been met and how the plan contained in the approved application has been implemented;

(y) Assurance that the runaway house shall submit such other information as the Secretary reasonably deems necessary.

§ 1351.15 Priority.

(a) In considering the grant applications under this part, priority shall be given to:

(1) Private nonprofit organizations or institutions which have had past experience in dealing with runaway youth.

(2) Applicants whose requests for financial assistance are smaller than \$75,000; and

(3) Applicants whose annual program budgets are smaller than \$100,000.

(b) Once priorities have been assigned, the following factors will be considered in approving applications for funding;

(1) Documentation of the greatest need for Federal support based upon the number of runaway youth in the area and the existing availability of services;

(2) The completeness and adequacy of the grant application as outlined in § 1351.14.

§ 1351.16 Size of grant.

The size of such grant shall be determined by the number of runaway youth in the community and the existing services available for runaway youth.

§ 1351.17 Approval by Secretary.

An application for a grant may be approved by the Secretary only if it is consistent with the provisions of the act and this subpart.

SUBPART C—CONTRACTS

§ 1351.25 Purpose.

The Secretary is authorized to make contracts for the provision of technical assistance to carry out the purpose of the act.

§ 1351.26 Provisions.

Any contract under this part shall be entered into in accordance with, and shall conform to all applicable laws, regulations and Department policy.

SUBPART D—GRANTS, ADMINISTRATIVE PROCEDURES

§ 1351.30 General.

Applicability of 45 CFR Part 74.—The provisions of 45 CFR part 74, establishing uniform administrative requirements and cost principles, shall apply to all grants under this part.

§ 1351.31 Nature and use of grants.

The provisions of chapter 1-00, Eligibility for Grants, of the GAM shall apply to all grants under this part.

§ 1351.32 Application, review, award, and amendment of grants.

(a) *Application review.*—All applications for a grant will be reviewed by the Office to determine whether they meet the requirements of the act and this part. The applicant may be requested to submit additional information either before or after review of the application. The Office may submit the application to technical consultants. On the basis of the recommendations received, the Secretary will determine the action to be taken with respect to each application and will notify the applicant accordingly;

(b) *Awards.*—All grant awards shall be in writing, shall specify the amount of funds, the purposes for which these funds are granted, and the budget period for which support is given;

(c) *Grant amendments.* (1) The grantee shall submit an amendment describing any material change in the plan of his program or project proposed to be made during the budget period. Proposed program or project plan amendments shall be submitted in writing for review and consideration by the Office;

(2) Proposed project plan amendments may be initiated by the Office if, on the basis of reports, it appears that Federal funds are being used for approvable purposes beyond the scope of the approved project application.

§ 1351.33 Cost sharing, matching, and payments.

(a) Matching requirements. Federal financial participation under the act and this part in the costs of operation of a runaway house pursuant to its approved application and budget, shall be 90 percent. The non-Federal share may be in cash or in kind, fairly evaluated by the Secretary, including plant, equipment, or services;

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

(c) The provisions of chapter 1-400, matching and cost sharing, of the GAM shall apply to all grants under this part.

§ 1351.34 Confidentiality and other public policy requirements.

(a) *Confidential information.* All information, including lists of names, addresses, photographs, and records of evaluation, obtained as to personal facts about individuals served by any runaway house assisted under the act shall be held to be confidential and may not be disclosed without written consent of parent or legal guardian except as provided in § 1351.14(v).

(b) *Protection of rights of recipients.* (1) No youth shall be the subject of any research or experimentation under this part, other than routine testing and normal program evaluation, unless the parent or legal guardian is informed and given an opportunity as of right to exempt such youth therefrom;

(2) No youth shall be subject to medical, psychiatric or psychological treatment under this part without the consent of the parent or legal guardian unless otherwise permitted under State law.

(c) *Conflict of interest.* Employees or individuals participating in a program or project under the act shall not use their positions for a purpose that is, or gives the appearance of being, motivated by a desire for private gain for themselves, or others, particularly those with whom they have family, business or other ties.

§ 1351.35 Financial and administrative requirements.

The provisions of chapter 1-45, use of consultants, of the GAM shall apply to all grants under this part.

§ 1351.36 Reporting requirements.

The grantee shall submit reports in such form and containing such information as prescribed by the Secretary, and shall keep such records and afford such access thereto as the Secretary may find necessary to assure the correctness and verification of such reports.

§ 1351.37 Grantee procurement.

The provisions of chapter 1-46, use of small business and minority-owned businesses, of the GAM shall apply to all grants under this part.

§ 1351.38 Property requirements.

Publications and copyrights.

(a) The results of any activity supported under this part may be published without prior review by the Department: Provided, that such publication's preface shall acknowledge the Federal assistance received and state that interpretations of data do not necessarily represent interpretations of the Department and provided, further, that three copies of such publication are furnished to the Department.

(b) Where a project activity leads to the publication of a book or other copyrighted material, the author is free to copyright the work, but the Department reserves royalty-free, nonexclusive, and irrevocable license to reproduce, publish, or otherwise use, and to authorize others to use, all copyrightable or copyrighted material resulting from the grant-supported activity. Any such publication shall contain a notice of such license.

§1351.39 Allowability of costs.

The following chapters of the GAM shall apply to all grants under this part:

- (a) Chapter 1-44, alteration and renovation (except for the limitation provided in §1351.13);
- (b) Chapter 6-10, charges for leased facilities and equipment;
- (c) Chapter 6-60, charges for facilities purchased or constructed by State and local governments;
- (d) Chapter 6-100, establishment of indirect cost rates;
- (e) Chapter 6-110 use of special indirect cost rates;
- (f) Chapter 6-120, treatment of costs of services provided by affiliated organizations; and,
- (g) Chapter 6-150, reimbursement of indirect costs.

§1351.40 Grant closeout, suspension, and termination. [Reserved]

THE LEGAL STATUS OF RUNAWAY CHILDREN

(By Hubert Wilton Beaser, Esq.)

A SUMMARY

Runaway children and their families have, in the past several years, become a dominant subject of concern for both public and private groups involved in preserving the quality of life in this country. Barriers to that quality existence are frequent and far reaching for the many young people who, for a variety of reasons, have chosen to take flight from their traditional origins. Undoubtedly the least subtle of the many problems that are encountered by runaways fall into the category of legal prohibitions because of minority classification.

In an effort to determine the current legal status of juvenile runaways in the United States, the Office of Youth Development of the Department of Health, Education, and Welfare (HEW), funded Educational Systems Corporation (ESC) and Principal Investigator Herbert Wilton Beaser, J.D. to study the issue. The project was undertaken as a "bench study" of the major statutes, highest court decisions and opinions of attorneys general in 54 jurisdictions—the 50 states and the District of Columbia, Guam, Puerto Rico and the Virgin Islands. These three research topics were viewed as they relate to the primary legal problems likely to be encountered by children "on the run"—whether running interstate or intrastate.

As the study evolved, it became increasingly apparent that field comparison of the law on the books with the law in action is a prerequisite to making a valid assessment of the state of the law today as it affects runaways. Though this review of reality has not yet taken place, much can be gained by considering the strictures that legally prevent a runaway from seeking medical care, from supporting himself or herself, from attending school in a jurisdiction other than that of the parent or guardian, and, in many instances, from retaining his or her very freedom.

The capsulized version of the ESC-Beaser study that is presented here should be perceived as an introduction to the morass of laws and legends that await the potential runaway. It attempts to single out the areas of major interest, both to the population concerned and to their pursuers, and to document a general legal attitude in each area. The summary is not intended to be inclusive.

UNEMANCIPATED MINORS UNDER COMMON LAW

Historically, children below the age of 21 had little, if any, control over the direction and circumstances of their lives. Common-law provisions for reciprocal rights and duties between parents and their minor children stipulated that parents had the legal right to the physical care, custody and control of those children; that they had the right to provide and supervise their education, religious control and general upbringing, including discipline, and that they could retain the services and earnings of these minor offspring. Inherent in the stated rights was the implied obligation of parents to in fact provide their children with the necessities of life. Rights and obligations terminated as each child reached the age of 21.

In spite of its appearance as a protective cloak, in actual practice the common law served rather as the harbinger of severe legal disability for the unemancipated minor. Under its mantle, the minor could not give valid consent to medical, surgical or psychiatric care. If between the ages of 7 and 14 and charged with the commission of a crime, he or she could be tried and convicted as an adult. The minor child had no right to his or her earnings, or to a choice of domicile other than that of the parent of record. Yet he or she could consent to marriage at the age of 7! Under common law, the unemancipated minor could neither sue nor be sued, and could disavow most contracts to which he or she had been party. There was no common-law requirement that a child attend school to fulfill the parental obligation that he or she be educated.

Many legal changes and adaptations have obviously occurred since the common law was the law of the land. As an example, the age of majority has been lowered in 41 of the pertinent 54 jurisdictions to 18 years of age. However, in many cases, newly enacted statutes simply imposed additional restrictions and limitations upon unemancipated minors.

In the specific instance of runaway children, common law and statutory proscriptions combine to create a veritable jungle that the typical runaway is ill-prepared to confront. Youngsters who have chosen or been forced to flee their homes are generally significantly younger than any established age of automatic emancipation, and the route to acquiring the privileges of emancipation is difficult if not inaccessible. The ESC-Beaser study documents its pursuit.

THE JUVENILE COURT

The concept of a juvenile court originated early in this century as a well-intentioned attempt to shield children from the stigma of being called into the adult "criminal" court. The privacy that would "protect" these errant minors excluded lawyers, juries, most witnesses, the press and the public from the courtroom; the judge and the probation officer would do what was in the "best interests" of the child.

In spite of the noble motives of its creators, the juvenile court has often rendered substantive and procedural injustices on children before it, as well as on their parents. The landmark cases of *Gault* and *Miranda*, decided by the U.S. Supreme Court in 1967 and 1966, respectively, testify to the rights of juveniles to standard court procedures such as timely notice in advance of hearing, right to counsel, and privilege against self-incrimination. To what extent these decisions have impacted on actual juvenile court proceedings is difficult to determine.

The runaway child presents a peculiar phenomenon within the Juvenile Justice System. Statutes regarding their behavior are vague and vary widely from State to State. In 24 of the 54 subject jurisdictions, peace officers may take into custody and detain juveniles suspected of being runaways. Such runaways are variously categorized as delinquents, persons in needs of supervision (PINS), or children in need of supervision (CINS).

In most cases, their inconsistencies with the law are designated "status offenses," that is, offenses that are classifiable only because they were committed by unemancipated minors. Identical behavior by adults is legally and socially acceptable. Current thinking with respect to youth development in this country is that jurisdiction over "status offenders" should be removed from the juvenile court system and vested in nonjudgmental social service agencies. These and other examples of present-day thoughts concerning children and justice are contained in the newly issued Model Acts for Family Courts and State-Local Children's Programs, compiled by W. H. Sheridan and Herbert Wilton Beaser and published by HEW's Office of Youth Development.

PUBLIC EDUCATION

Though the common law made no demand that a child attend school, later legislators provided for such a requirement. Only Mississippi is now without a compulsory school-attendance law. All other jurisdictions set minimum and maximum ages between which a child must attend school unless exempted for specific cause. The upper end of the age span is of critical importance to the runaway, as it determines when he or she may no longer attend school, when he or she may obtain a work permit, and whether school attendance, if desired, is possible in a new location. Thirty-six of the 53 jurisdictions with

school-attendance laws set 16 as the maximum age for required schooling; the lowest maximum age is 14, in Puerto Rico, while the highest is 18, in five jurisdictions.

SOCIAL SECURITY AND CHILD WELFARE SERVICES

Immediate priority needs of the youthful runaway would ordinarily be for food and lodging. However, juveniles will frequently find that traditional service programs are not available to them because of their minority status. Three possibilities do occur, nevertheless. Regular payments may be secured through the aid to families with dependent children (AFDC) program for the support of dependent children living with almost any relative. In addition, a runaway child may be eligible for care and services through a public or private child-caring agency, which may include a "runaway house." Interstate runaways may be maintained for up to 15 days and then returned to their home communities under provisions of the Social Security Act.

MEDICAL AND SURGICAL TREATMENT

The common law structure that consent of a parent or guardian must precede any medical services rendered to a juvenile has prevailed into modern times. In only 28 of the 54 jurisdictions does marriage of the minor qualify him or her to consent to a doctor's care. In many cases, no specific statutory references are made to particular types of care, and the common law rule presumably prevails. Where statutes do exist, they often vary drastically among jurisdictions and among types of care sought. A minor of any age, for example, may give a legally valid consent to treatment for pregnancy in merely 11 of the 54 jurisdictions studied. In marked contrast to that statistic is the fact that treatment for venereal disease can be approved by minors in all but four of those same jurisdictions.

Securing medical and surgical care can be of desperate importance to the young runaway. Even in the case where a legitimate emergency exists, the attending doctor often faces considerable financial and professional risks in treating an unknown juvenile. He or she confronts another dilemma in deciding how to handle the confidentiality requirement of the medical profession. The runaway in need of services may often be the hapless and unattended victim of these unresolved predicaments.

The ESC-Beaser study, in concurrence with the thoughts of other practitioners in the field, suggests that a model medical care statute be adopted by all jurisdictions. This carefully worded legislative tool would safeguard parental rights and the rights of the juvenile, as well as hold the physician harmless both civilly and criminally, except for negligence when he or she provided medical care to minors under circumstances stipulated in the statute.

CHILD LABOR LAWS

The common law combination of no schooling requirements and the parent's right to a child's earnings frequently led to the exploitation of minors as supplementary wage earners for families. The Fair Labor Standards Act of 1938 addressed a growing national concern in this regard by federally regulating the ages, hours and conditions under which minors may work for pay. Coupled with the compulsory school-attendance laws that had developed, the child-labor laws protected minors from unjust utilization in the marketplace by parents or by unscrupulous employers.

What was a great boon to children in general, however, has become a major legal difficulty to runaway children in particular. The range of basic minimum ages at which a minor may seek formal employment spans the 2-year period between 14 (22 jurisdictions) and 16 (29 jurisdictions). Employment or age certificates (working papers) must accompany job applications up to the age of 18 in 25 jurisdictions. Only six States require no work permit for minors. The number of hours per day and days per week that a juvenile may work are tightly controlled, and nightwork is virtually prohibited. Department of Labor-defined "hazardous occupations" in nonagricultural industries are reserved for persons over 18. Similarly dangerous positions in the agricultural field have a minimum age of 16 years.

The problem confronting the young runaway striving for self-sufficiency becomes apparent. Its double-edged nature, an additional barrier, derives from the legal reality that the employer, not the employee, is liable for correct interpretation of the child-labor statutes. The rejected runaway may, once

again, as in the case of medical services, find himself or herself the unfortunate victim of circumstance.

CURFEW LAWS

Statutes and ordinances regulating the evening and night hours during which juveniles of a certain age must be off the streets are particularly threatening to interstate runaways. Eleven jurisdictions have enacted State laws imposing curfew restrictions on juveniles. Others delegate authority in this matter to police chiefs or to the juvenile court, either of which would then have control over the late-hour activities of uninformed minors from other jurisdictions.

HITCHHIKING REGULATIONS

Hitchhiking, a common mode of transportation for runaways, is prohibited by statute in 34 of the 54 jurisdictions studied. The prohibition pertains to all persons, and is not selective of minors. However, since an act of delinquency is defined as "the violation of any State law or municipal ordinance," a juvenile charged with hitchhiking in the regulating jurisdiction may face court labeling as a delinquent.

STATUTORY RAPE

Every jurisdiction studied has statutory provision for the prosecution of "unlawful carnal knowledge of a woman." However, the individual specifications as to age of both female and male, burden-of-proof requirements and degree of punishment vary widely among the many localities.

Utilizing statutory rape proscriptions as a barometer for determining permissible sexual activities of minors is a risk undertaking, as jurisdictional statutes fall into no discernible or rational pattern. This fact can be particularly disconcerting, if not actually harmful, to the runaway child, male or female. Behavior that was freely and legally indulged in by the runaway in his or her State of origin may suddenly, in a new environment, be a crime subject to severe penalties. Likewise, presumptions made on innocent minors by opportunities encountered in the runaway culture may be subject to no legal restitution.

DRUG ABUSE PROGRAMS

The ESC-Beaser study dealt with statutory provisions authorizing or mandating drug-abuse programs under which juvenile addicts would be entitled to treatment. It did not deal directly with violation by a minor of laws relating to the use, possession or sale of proscribed drugs. The child's constitutional rights under such circumstances, however, were explored within the review of the juvenile court.

In each of 21 jurisdictions, a particular State agency is authorized to establish a program for drug-abuse treatment either directly or through local agencies. Twenty-two jurisdictions have enacted legislation establishing drug-addiction treatment programs specifying in considerable detail the procedures to be followed, including in some cases eligibility requirements for minors. Statutes specifically authorizing minors to consent to medical treatment for addiction are on the books in seven States. These statutes also protect the person giving such treatment against all legal action except for negligence. Only Alabama and Guam have no legal provision for drug-abuse treatment.

CONTRIBUTING TO THE DELINQUENCY OF A MINOR

Under the common law, a child's parents had the right to the physical care, custody and control of that child until the child reached majority or was sooner emancipated, and had legal recourse if someone deprived them of that right. The law has continually been interested in protecting parents' rights and in assuring the proper upbringing of children.

From these concerns have arisen, in all jurisdictions studied, statutes regarding contributing to the delinquency of a minor, "harboring" a minor, or interfering with parental rights to "care, custody and control." The provisions of these many statutes vary greatly and follow no special pattern. Designed to have a broad span of applicability, some of the statutes in fact test the "void for vagueness" doctrine. Both perpetrator and victim are frequently ill-defined, which leads to the conclusion that, theoretically, one minor could be convicted of inducing another minor to leave home.

The looseness with which so many of the "contributing" statutes are drafted creates serious problems for workers employed in runaway houses. The law is virtually noncommittal regarding the length of time and type of services that may be provided a runaway without notifying a parent or guardian. Once again, risk is involved on the parts of both the provider and the receiver of services.

LEGAL ABILITY TO MARRY

Basically, marriage is a civil contract between two persons having the legal capacity to enter into a contract. Under the common law, a child could consent to marriage at the age of 7, and could confirm it legally when the male was 14 and the female 12. Statutes in many jurisdictions have now changed the common-law minimum ages below which minors may not marry even with parental consent. The lowest such ages pertain in New Hampshire: 14 for males and 13 for females. The range in other jurisdictions is generally between 16 and 18.

The last several years have witnessed a dramatic lowering of the age at which juveniles may legally marry without parental consent. Twenty-four of the 54 jurisdictions studied have established 18 as that age for both parties. Nine jurisdictions retain 21 as the age below which parental consent is needed for both male and female. Twelve areas hold to 21 for males and 18 for females. In some jurisdictions, intervening circumstances such as pregnancy or the draft will warrant approval of marriage even below the statutorily established minimum age. Of particular interest in today's society are the facts that 14 States and the District of Columbia still recognize common-law marriages, and that such a union, validly contracted in one of those jurisdictions, would be recognized in all the other jurisdictions.

USE OF TOBACCO PRODUCTS

Statutes attempting to curb the use, acquisition or possession of tobacco products by minors are very broadly worded and singularly inconsistent from jurisdiction to jurisdiction. Only 13 out of the 54 jurisdictions, for example, have laws covering the purchase, possession or use of tobacco products by minors. The sudden enforcement of one of these statutes at the expense of an uninformed runaway may place him or her in a detention facility for behavior that was completely legitimate two blocks away! Similarly confusing are the statutes in 36 jurisdictions relating to or regulating the sale, barter, gift or exchange of tobacco products with or to minors. Since these restrictions do not necessarily coexist with others prohibiting minors from smoking, a person offering a juvenile a cigarette may be found guilty of a misdemeanor, while the juvenile accepting the gift is without offense!

PURCHASE AND USE OF INTOXICATING BEVERAGES

All jurisdictions have statutory requirements relating to the purchase, consumption and/or possession of beer, wine, or distilled spirits by minors. In 24 jurisdictions, a person 18 years of age or older may purchase or be sold intoxicating beverages of any kind. Seven jurisdictions require that he or she be at least 19 to make such purchases, and the minimum age of 21 applies in 14 additional states. These differing statutes have obvious implications for the interstate runaway.

MOTOR VEHICLE LAWS

States that would apply to the ability of juveniles to operate or seek to operate motor vehicles on public highways are found in all jurisdictions except Georgia, which has no conditions attached to obtaining a driver's license. Only Georgia and Pennsylvania do not require that an applicant for a license take and pass a written examination. In all but four jurisdictions, the applicant must pass a vision test. Only Georgia does not require an actual driving test. Other conditions for obtaining a license, which are sporadically encountered, include an oral examination, a hearing test, a physical examination, and a road-sign test.

The minimum age at which an individual may obtain a license to operate a motor vehicle—although "learner's permits" may be obtained earlier—ranges from 14 in Arkansas to 21 in Colorado. The minimum age is 16 in 25 jurisdictions and 18 in 19 jurisdictions. Additional limitations and con-

ditions placed on the licenses of juveniles, however, make driving not just a matter of age. In many areas, driver education/training is a prerequisite to a license. Frequently, a licensed adult driver must accompany the minor, and he or she is restricted in the hours during the day when driving is permitted. Regarding interstate driving by minors, most jurisdictions honor reciprocity provisions that allow drivers from another State a certain "grace" period before obtaining a new license. States governing reciprocity make no special mention of minors.

STATUTORY AUTHORITY FOR TREATMENT ALTERNATIVES

The ESC-Beaser study, not surprisingly, discovered that very little specific statutory authority exists that would authorize or direct an agency within a jurisdiction to establish and operate, or to assist in the establishment and operation of, treatment alternatives for runaway children. Some of the vital questions that remain unanswered because of this lack are these: May a shelter-care facility providing housing for a runaway child do so without notifying his or her parent or guardian? Must that notification policy be uniform throughout the State. Must a shelter-care facility meet the same facility standards demanded of other child-caring institutions? Are records maintained by such a facility confidential or may they be inspected by police authorities? Must they be produced in court proceedings? Jurisdictional statutes addressing these and other specific concerns would do much to clarify the status of the runaway.

THE INTERSTATE COMPACT ON JUVENILES

Forty-eight States and the District of Columbia have adopted the Interstate Compact on Juveniles developed and sponsored by the Council of State governments. The Compact makes specific cooperative provisions to "provide for the welfare and protection of juveniles and the public." Participating States agree to: the cooperative supervision of delinquent juveniles on probation or parole, the return from one State to another of delinquent juveniles who have escaped or absconded, the return from one State to another of nondelinquent juveniles who have run away from home, and additional measures for the protection of juveniles and of the public which any two or more of the party States may find desirable to undertake.

Viewed specifically with regard to the runaway child, the Interstate Compact leaves very much to be desired. Protection under it of the legal rights of runaways and of their parents are minimal at best. This study concluded that if the Interstate Compact on Juveniles is to be used as an enlightened judicial instrument to solve the legal, social and practical problems of runaways and their parents, it needs radical revision.

THE LAW IN ACTION

One aspect of the ESC-Beaser study involved soliciting feedback from individuals and agencies working with runaway children, regarding the statutes that have been discussed as either helps or hindrances to their work. An impressive number of replies were received, and many salient comments pointed to the need for change in the present state of the law.

Perhaps this excerpt speaks most closely to the spirit of those who shared their views with us: "... I become quite frustrated by the confusion in the present laws concerning juveniles in general and runaways in particular. Since many runaways cross state lines, a unified Federal law clearly stating their status and the procedures for dealing with them would be very helpful. ... I think that (Federal) stance should recognize runaway episodes as symptomatic of family and individual difficulties that may require counseling or family mediation besides other social services."

The collective impressions of runaway workers that are a part of the product of this study were never intended to represent a definitive analysis of actual practices regarding runaways and the law. They do make apparent, however, that much more is "going on" that affects the legal status of runaways and the treatment they receive under the juvenile justice system than would appear from a simple reading of the statutes, judicial decisions, or opinions of attorneys general. An in-depth, more comprehensive field study of the true picture of runaways and the law is both needed and warranted.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,
OFFICE OF THE SECRETARY,
Washington, D.C., June 25, 1975.

Mr. JOHN M. RECTOR,
Staff Director and Chief Counsel,
Senate Judiciary Committee's Subcommittee To Investigate Juvenile Delinquency,
Washington, D.C.

DEAR JOHN: As you requested I am enclosing the complete list of the 65 grantees to receive funds during fiscal year 1975 through the Runaway Youth Act.

I am pleased that the Office of Youth Development has successfully implemented the act. It is our hope that that we will serve more than 32,000 young people during the ensuing year.

Thank you for your continuing interest.

Sincerely,

MORTON M. KANTER,
Deputy Commissioner,
Office of Youth Development.

Enclosure.

Runaway Youth Act—1975 grantees

Region I:

Boston Network of Alternative Runaway Services (The Bridge/ The Place), Boston, Mass	\$43,758
Spectrum, Burlington, Vt	30,000
Child and Family Services (Hassle House), Concord, N.H.	38,570
R.I. Department of Community Affairs, Providence, R.I.	36,000
Subtotal	148,328

Region II:

The Educational Alliance (Project Contact), New York, N.Y.	69,943
Project Equinox, Albany, N.Y.	73,180
Compass House, Buffalo, N.Y.	38,150
Covenant House, New York, N.Y.	73,258
Municipality of San Juan, San Juan, Puerto Rico	68,180
Diocese of Paterson, Paterson, N.J.	72,750
Subtotal	395,461

Region III:

Voyage House, Philadelphia, Pa.	69,702
Fellowship of Lights, Baltimore, Md.	65,580
Family Services of Montgomery County, Rockville, Md.	68,985
SAJA Runaway House, Washington, D.C.	70,320
Youth Research Center (Second Mile), Hyattsville, Md.	66,010
Valley Youth House, Bethlehem, Pa.	65,403
Subtotal	406,000

Region IV:

South Carolina Department of Youth Services, Columbia, S.C.	67,558
The Relatives, Charlotte, N.C.	68,000
American Red Cross, Birmingham, Ala.	61,524
Runaway House, Memphis, Tenn.	33,144
Switchboard of Miami (Bay House), Miami, Fla.	73,731
Human Resources Center, Inc. (Youth Alternatives Runaway Shelter), Daytona Beach, Fla.	60,843
Youth Programs, Orlando, Fla.	71,000
Metro Atlanta Mediation Center (The Bridge) Atlanta, Ga.	69,000
Leon County School District, Tallahassee, Fla.	70,773
Subtotal	575,573

Region V:

Youth Network Council (Yellow Brick Road), Chicago, Ill.	\$69,900
United Indian Group Home Runaway Project, Minneapolis, Minn.	67,265
Control Cultural Education Chicano-Boricua, Milwaukee, Wis.	70,307
Detroit Transit Alternatives, Detroit, Mich.	66,808
Bridge for Runaways, Minneapolis, Minn.	65,000
Briarpatch, Madison, Wis.	42,849
Switchboard, Fort Wayne, Ind.	31,200
New Life for Girls, Cincinnati, Ohio	43,800
Salvation Army (New Life House), Chicago, Ill.	69,000
Mental Health and Mental Retardation Board of Montgomery County (Daybreak), Dayton, Ohio	63,396
Huckleberry House, Columbus, Ohio	56,856
Ozone House, Ann Arbor, Mich.	65,780
City of Indianapolis (Stopover), Indianapolis, Ind.	70,375
Counseling Center of Milwaukee (Pathfinders), Milwaukee, Wis.	60,247
National Runaway Switchboard Metro-Help, Chicago, Ill.	152,080
Subtotal	994,863

Region VI:

Middle Earth Unlimited, Austin, Tex.	49,965
YWCA of Galveston, Galveston, Tex.	70,886
Youth Services (Greenhouse), New Orleans, La.	71,980
YMCA of Dallas, Dallas, Tex.	70,150
National Conference of Christians and Jews, Little Rock, Ark.	61,834
Martin Luther King Community Center, Houston, Tex.	71,208
The Family Connection, Houston, Tex.	72,977
Subtotal	469,000

Region VII:

Total Awareness, Council Bluffs, Iowa	60,390
Youth Emergency Services, St. Louis, Mo.	64,908
Northland Youth-Adult Projects (Synergy House), Parkville, Mo.	42,852
Flying Dutchman, Wichita, Kans.	49,150
Subtotal	217,300

Region VIII:

Montana State Youth Development Bureau, Helena, Mont.	45,000
Order of the Holy Family, Denver, Colo.	75,000
Subtotal	120,000

Region IX:

Interface Community, Newbury Park, Calif.	74,466
Awakening Peace, Lake Tahoe, Calif.	50,400
Youth Advocates, Inc., Woodacre, Calif.	57,120
Youth Advocates, Inc. (Huckleberry House), San Francisco, Calif.	74,123
San Diego Youth Services (The Bridge), San Diego, Calif.	74,985
Focus, Las Vegas, Nev.	72,000
The Sanctuary, Agana, Guam	48,950
Diogenes, Davis, Calif.	74,476
North Orange County YMCA, Fullerton, Calif.	68,480
YMCA of San Diego and San Diego County (Project Oz), San Diego, Calif.	60,500
Subtotal	655,500

Region X:

Family Crisis Intervention Center (Looking Glass), Eugene, Oreg.....	\$52,601
The Shelter, Seattle, Wash.....	73,145
Alaska Children's Service, Anchorage, Alaska.....	39,055
Subtotal.....	164,801
Total.....	4,146,826

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
Washington, D.C., July 16, 1975.

HON. WARREN MAGNUSON,
Chairman, Subcommittee on Labor-HEW, Committee on Appropriations, U.S. Senate, Washington, D.C.

Dear Mr. CHAIRMAN: The problem of children who run away from home is one which I have studied in great detail as chairman of the Juvenile Delinquency Subcommittee. Many of these youngsters, soon after their departures, find themselves in circumstances where they must resort to illegal activity, including prostitution and drug pushing, to sustain their lives or are similarly victimized by criminals young and old.

After twice passing the Senate in 1972 and 1973, the Runaway Youth Act which I authored became law in 1974. It was incorporated as title III of the Juvenile Justice and Delinquency Prevention Act of 1974 (Public Law 93-415) and authorized the amount of \$10 million for each of 3 years concluding in 1977.

Congress appropriated \$5 million to implement the program in fiscal year 1975. It is off to a good start. But the Office of Youth Development, Department of Health, Education, and Welfare, was only able to award grants to 65 programs, although a majority of the 258 applications merited funding.

As chairman of the Senate Subcommittee To Investigate Juvenile Delinquency, and a member of the Labor-HEW Appropriations Subcommittee, I would like to recommend that we fund the Runaway Youth Act at the level of \$10 million. The need is clear and while the initial grants have begun to fill this gap in assistance to young people in trouble, much more can and should be done.

We are all increasingly aware of our national failure to adequately address the concerns of our youth so as to prevent the development of criminal lifestyles. The Runaway Youth Act is designed to help accomplish this objective.

Youths under 19 are responsible for more than 50 percent of the serious crime in this country. I know that you, with your responsibilities in the health and social service areas, understand that this modest amount is justified as an investment that will help us to save future tax dollars and to enable more of our troubled youth to become productive citizens.

Thank you for your consideration.

Sincerely,

BIRCH BAYH.

JUVENILE DELINQUENCY DATA

SUBCOMMITTEE TO INVESTIGATE JUVENILE DELINQUENCY

SENATOR BIRCH BAYH, CHAIRMAN

April 1976

The American youth population, between the ages of 10 and 17 accounts for 16% of the total U.S. population:

- Of the 6⁺ million arrests made nationally in 1974, 27%, or 1,683,073 were of persons under 18 years of age.¹
- 31% of all crimes solved (for FBI Crime Index Offenses) involved persons under 18 years of age.¹
- The peak age for arrests for violent crime is 18, followed by 17, 16, and 19. Since 1963 arrests of juveniles in this category has tripled, from about one arrest every 400 juveniles to about one arrest for every 140 juveniles.²
- The peak age for arrests for major property crimes is 16, followed by 15 and 17.²

OFFENSES (1974)¹

Runaways, 1974:

National estimate of arrests: 239,600, representing 10.3% of all juvenile arrests.
National estimate of total number of runaways--1 million.

Table I.
Juvenile Arrests (under 18 as % of total arrests for offense):

violent crime* (serious)	2.6%
property crime* (serious)	0.7%
all serious crime*	45.1%
all arrests	27.2%

TRENDS IN ARRESTS OF JUVENILES (under age 18):

Table II. All Juveniles	1960-1974	1969-1974	1973-1974
violent crime	+254.1%	+49.0%	+8.7%
property crime	+133.0%	+29.8%	+20.2%
all serious crime	+142.6%	+31.6%	+18.8%
all arrests	+137.8%	+16.4%	+8.7%

TRENDS IN ARRESTS OF JUVENILES (under age 18) BY SEX:

Table III. Male Juveniles	1960-1974	1969-1974	1973-1974
violent crime	+241.4%	+35.6%	+8.0%
property crime	+107.1%	+13.8%	+19.6%
all serious crime	+118.0%	+15.9%	+18.1%
all arrests	+119.4%	+16.0%	+9.5%

Table IV. Female Juveniles	1960-1974	1969-1974	1973-1974
violent crime	+419.2%	+62.6%	+16.0%
property crime	+380.9%	+46.4%	+23.0%
all serious crime	+383.2%	+47.3%	+22.4%
all arrests	+245.1%	+47.2%	+5.9%

DRUG ARREST TRENDS:³

Table V. Juveniles and Adults:	Under 18	All Ages
1960-1974	+3,778%	+535%
1969-1974	+92%	+80%
1973-1974	+1.8%	+2.2%

(Continued on back side.)

*Violent crimes are the offenses of murder, forcible rape, robbery and aggravated assault.

†Property crimes are the offenses of burglary, larceny, theft, and motor vehicle theft.

*Serious crimes are the combination of property and violent crimes.

DRUG ARREST TRENDS, continued³

Table VI.
Juvenile and Adult arrest totals, by sex:

	Under 18		All ages	
	Female	Male	Female	Male
1960-1974	+4,842%	+3,018%	+861%	+832%
1969-1974	+102%	+150%	+98%	+115%
1973-1974	-3.8%	+3.0%	-1%	+2.5%

Juvenile crime has had quantum growth rates relative to adult crime during the fourteen year period of 1960-1974. Other trends visible in the arrest statistics include a significant increase in juvenile participation in violent crime and tremendous increases in drug law violations.

Accompanying this soaring growth in juvenile crimes has been a dramatic increase in female delinquency. Explanations for this trend include: changing social attitudes towards women, deteriorating economic conditions, advanced and significant differences in the prosecution and institutionalization of juvenile boys and girls.

THE JUVENILE AND THE LEGAL SYSTEM

Juvenile Court Caseload:⁴

The juvenile courts in the U.S. handled over 1 million cases in 1974. There has been a caseload increase each year; generally exceeding youth population increases. Between 1960 and 1973 the number of delinquency cases more than doubled (124% increase), compared to the 32% increase in the number of children aged 10 through 17.

Of the 1,708,564 juveniles taken into custody by the police in 1974:¹

- 47.0% were referred to juvenile courts.
- 44.4% were handled and released.
- 5.7% were referred to adult court.
- 4.9% were handled by other government agencies.

Of the total crime committed by juveniles in 1974:¹

- 81.6% were committed by males.
- 18.3% were committed by females.

RECIDIVISM:¹ (Based on a three year FBI study of persons released in 1972 and re-arrested within three years.)

- 64.4% within 3 years for persons under 20.
- 57.4% within 3 years for all persons.

The highest re-arrest rate of all age groups was for the under 20 age group. There was a constantly declining re-arrest rate, correlating with rising age. The other important finding of this study entailed the nature of future crime--of all persons re-arrested during the follow-up study, 24% were rearrested on a charge more serious than the initial charge.

JUVENILE INSTITUTIONS⁵ (Figures based on data for day of June 30, 1974. Institutions surveyed include 367 State operated facilities, and 427 locally-operated facilities.)

Type	No ⁵	Daily Populations ⁵	Admissions ⁶	Annual Departures ⁶
Total:	294	45,694	501,004	585,799
Detention Centers	319	10,782	483,212	478,415
Shelters	19	190	4,986	5,034
Reception/Diagnostic	17	1,734	21,302	21,203
Training Schools	187	26,427	60,678	59,745
Ranches, Forestry Camps, Farms	103	4,959	15,277	14,483
Halfway Houses	59	713	2,453	2,184
Group Homes	90	889	3,096	2,735

*Annual Admissions and Departures data is available for 1973 only; the Daily Population figures are for 1974. General similarity of the numbers permitted comparisons between the two years.

(Continued on next page.)

JUVENILE INSTITUTIONS, continued:

As the figures on the preceding page indicate, training school commitment still dominates juvenile corrections. Only 18% of juvenile offenders are placed in community-based residential programs, in spite of the much heralded movement toward community care. In fiscal 1974, the states spent more than \$300 million operating their institutions, while spending less than \$30 million for community-based residential programs.

Purpose of Incarceration:⁵ (figures based on data for day of June 30, 1974)

Detention Status	Number of Youth Held	Male	Female
Total:	45,694	35,057	10,637
Adjudicated delinquent*	33,385	27,001	6,384
CINS/PINS*	4,551	2,623	1,928
Pending disposition by Court	6,397	4,571	1,826
Awaiting transfer	460	307	153
Voluntary commitment	373	290	83
Dependent & Neglected Child	528	265	263

Incarceration by Offense:¹

Type of Offense	%Male Incarcerated for Charge	%Female Incarcerated for Charge
Status Offense	23%	70%
Misdemeanor	22%	16%
Felony	49%	8%
Drug crime	6%	8%

Of significance is the large numbers of youths who are convicted and institutionalized for Status Offenses--70% of all juvenile females incarcerated, and 23% of all juvenile males incarcerated. In addition:

- More juveniles adjudicated as Status Offenders are sent to juvenile institutions than youths convicted of other offenses. (25% are incarcerated for status offenses; 18% for minor offenses, and 23% for serious crime.⁸)
- Once incarcerated, Status Offenders spend more time in institutions than their juvenile counterparts who have been institutionalized for other offenses.

OTHER FACTS ABOUT YOUTH:

SCHOOL VIOLENCE AND VANDALISM

COSTS:

--\$600 million spent on vandalism in the public schools in the U.S., this represents an average cost of at least \$5,000 annually for the school districts of the country, or over \$10 per student--more than the amount expended on textbooks annually.⁹

CRIMES:

In a survey conducted by the Subcommittee of in excess of 750 school districts in 1973, the following information on school crime trends was learned.

Between the three years 1970-73, the rates for crimes in school increased as follows:

Homicides	18.5%	Assaults on teachers	77.4%
Rapes & attempts	40.1%	Assaults on students	85.3%
Reported robberies	36.7%	Drug & Alcohol offenses at school	37.5%
Dropouts	11.7%	Burglaries of school buildings	11.8%

Collaborating FBI crime figures on homicide for 1974 report that youths under the age of 18 committed 10% of all murders during 1974, and that between 1969 and 1974 the number of juveniles under 18 arrested for murder rose by 52%.

*Responsible for an act which would have resulted in a criminal conviction if the youth were of adult age. In the data collection process status offenders were included in this category by some agencies.

*Refers to juveniles who have been declared in need of supervision by a juvenile court under special statutes for "status offenses."

OTHER FACTS ABOUT YOUTH, continued:

DRUG USE

Use of Various Drugs, by Juveniles (ages 12-17) and Adults, Fall 1974³

	EVER USED		USED IN LAST MONTH	
	Juveniles	Adults	Juveniles	Adults
Alcohol	58%	72%	35%	35%
Tobacco	58%	65%	24%	40%
Marijuana	24%	40%	15%	10%
Non-medical use of psychoactive drugs	10%	12%	5%	6%
LSD	8%	8%	5%	1%
Heroin	5%	1%	1%	--

YOUTH UNEMPLOYMENT¹⁰

January 1976 Unemployment Rates--Teenagers, Adults, and All:

	Total	Males	Females
Teenagers, 16-19	13.3%	20.1%	19.6%
Adults, 20 and older	6.5%	5.8%	7.5%
All ages	7.8%		

1975 Average Unemployment Rates--Teenagers, Adults and All:

	Total
Teenagers, 16-19	19.9%
Adults, 20 and older	7.3%
All ages	8.5%

December 1975 Unemployment Rates--Teenagers, Adults and All:

	Total
Teenagers, 16-19	19.6%
Adults, 20 and older	7.1%
All ages	8.5%

As these figures indicate, teenage unemployment rates have not followed the adults' rates downward trend from the record-setting unemployment of 1975.

Sources Used:

¹Uniform Crime Reports for the United States, 1974, Federal Bureau of Investigation, U.S. Department of Justice, 11/17/75. (NOTE: Calculations of 1969-74 arrests trends, Uniform Crime Reports, 1969.)

²Letter from LEAA, Dept. of Justice, to Senator Bayh, March 18, 1976; attachment #2, "Data on Juvenile Delinquency and the Juvenile Justice System."

³White House White Paper on Drug Abuse, A Report to the President from the Domestic Council Drug Abuse Task Force, September 1975.

⁴Juvenile Court Statistics 1973, Department of HEW, Office of Human Development, Office of Youth Development.

⁵Children in Custody: Advance Report of the Juvenile Detention and Correctional Facility Census of 1972-73, LEAA, May 1975.

⁶Letter from LEAA, Dept. of Justice, to Senator Bayh, March 18, 1975; attachment #1, "Admissions and Departures for Public Juvenile Detention Correctional Facilities, 1971 and 1973."

⁷Juvenile Corrections in the States: Residential Programs and De-institutionalization, National Assessment of Juvenile Corrections, U. of Mich., 1975.

⁸Letter from LEAA, Dept. of Justice, to Senator Bayh, March 18, 1976; attachment #2, "Data on Juvenile Delinquency and the Juvenile Justice System."

⁹Preliminary Report of the Subcommittee to Investigate Juvenile Delinquency, Our Nation's Schools--A Report Card: "A" in School Violence and Vandalism, April 1975.

¹⁰Department of Labor, Bureau of Employment Statistics, January, 1976. (Monthly rates are seasonally adjusted.)

END