

Tennessee Criminal Justice Standards and Goals Project

NCJRS

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ACQUISITION

JUVENILE JUSTICE AND PROGRAMS

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Tennessee Law Enforcement Planning Commission, 1975

PREFACE

This volume is one of eight reports adopted by the Tennessee Law Enforcement Planning Commission as goals and objectives for the criminal justice system in Tennessee. The development of the goals and objectives herein resulted from the award of Law Enforcement Assistance Administration (LEAA) discretionary funds to the Tennessee Law Enforcement Planning Commission. The Commission utilized the services of Midwest Research Institute, Kansas City, Missouri, for the coordination and operation of the goals and objectives effort.

The opinions and recommendations in this report are those of criminal justice practitioners and citizens of Tennessee. As goals and objectives are implemented, experience will dictate that some be upgraded, some modified, and perhaps some discarded. Practitioners and citizens will contribute to the process as the goals and objectives are tested in the field.

It is the hope of the Tennessee Law Enforcement Planning Commission that these goals and objectives will become an integral part of criminal justice planning throughout Tennessee and be utilized as a guideline for future program implementation.

JUVENILE JUSTICE AND PROGRAMS

The Juvenile Court

Youth crime is one of the nation's most troubling problems. The United States has a long tradition of dealing differently with juveniles than with adults who are in conflict with the law, in the hope that juveniles can be rechanneled into becoming law-abiding citizens. However, many of the methods of dealing with juveniles in this country have come to be viewed either as counterproductive or as violations of the rights of children. Thus, there is a pressing need for standards to improve the quality of juvenile contacts with the justice system.

In 1971, persons under the age of 18 accounted for 25.8 percent of all arrests. They accounted for 50.8 percent of all arrests for crimes against property and 22.8 percent of arrests for violent crimes against persons. In specific offense categories, more youth under 18 than adults were arrested for burglary, larceny, auto theft, arson and vandalism.

Juvenile offenders pose special problems and raise special hopes. Although their past actions show these juveniles to be a danger to the community, there is a reluctance to use adult procedures in dealing with them because of their age. Moreover, with a juvenile offender, the criminal justice system has an opportunity to intervene at or near the beginning of what is potentially a long-term pattern of criminal behavior. The response to this reluctance to use regular methods in dealing with juvenile offenders has been the juvenile court.

The structure of the juvenile systems varies widely. Despite the variations, however, juvenile courts have at least five distinct characteristics. In part, these characteristics create the special problems that juvenile courts have in the entire court system's role in the fight against crime. These five characteristics are:

Philosophy: Juvenile courts, more than other courts with criminal jurisdiction, are imbued with a rehabilitative orientation. Less emphasis is placed on punishment, and more emphasis is placed on using scientific methods to change an offender's motivation so that he no longer desires to commit criminal acts.

Jurisdiction: The limits and breadth of the jurisdiction of juvenile courts also sets them apart. This jurisdiction generally is limited to persons under the age of 18 years. However, authority over these juveniles is much broader than the corresponding authority of courts of general criminal jurisdiction over adults. Juvenile courts ordinarily assume control over a juvenile (take jurisdiction over him) if he has performed

an act that, if performed by an adult, would constitute a crime. In addition, the juvenile court may take jurisdiction over a juvenile even though his actions if committed by an adult would not authorize a court of general criminal jurisdiction to exercise any control of the adult. Truancy, running away, and being beyond control of parents are examples. But juvenile court authority often extends to individuals who have not committed any specific overt act demonstrating they pose a danger to society. Circumstances that demonstrate a juvenile is not being properly provided for by the persons with responsibility for him are often sufficient to justify the juvenile court's assuming jurisdiction over the juvenile.

Procedure: Traditionally juvenile courts have used a more flexible procedure than their counterparts in the adult criminal justice system. This has been justified on the basis of the difference in philosophy and function between the juvenile and adult courts. Since a juvenile court's proceedings result in treatment rather than punishment, the stringent procedural safeguards against unjustified punishment have been considered unnecessary. Moreover, treatment has been viewed as requiring more flexibility than the procedures of the adult system permit. The difference in procedure, as well as the desire to set apart the juvenile system from the adult system, has resulted in the development of specialized terminology for the juvenile court system. The document upon which proceedings are brought does not charge delinquency, neglect or dependency; it alleges it. The document is not an indictment or information, but a petition. The court does not convict, it adjudicates. The process of deciding what to do with a delinquent, neglected or dependent juvenile is not sentencing; it is disposition.

Intake or screening: Juvenile courts have had a relatively organized process for determining which individuals would be brought before the court on a petition alleging a child to be delinquent, unruly (an offense applicable only to a child), dependent or neglected. This initial screening function is usually performed by an intake unit consisting of caseworkers functioning as a court-attached agency. The court, then, has control and supervision over the intake unit. In many systems, the intake unit performs functions other than screening, such as conducting diversion programs involving informal supervision over juveniles not made the subject of formal court petitions. In many juvenile courts in Tennessee there is no intake unit due to lack of personnel, and also due to a low volume of cases, which eliminates the need of such a unit. In many of these smaller jurisdictions, however, the court has the services of a juvenile court officer who can perform this service.

Dispositional alternatives: The juvenile court has had available a broader range of dispositional alternatives than has its counterpart in the adult system. This also is based on the difference in philosophy. Since the object of the proceeding is treatment, access to a broad range

of potential treatment programs is essential. The juvenile court has come under attack in recent years, and much of this criticism has been directed at the failure of juvenile courts to adopt all the procedural safeguards afforded a defendant in an adult criminal prosecution. This criticism has been based on the conclusion that the difference in philosophy between the adult courts and the juvenile courts has not been carried into practice, and that for all practical purposes being adjudicated a delinquent is no different from being convicted of a crime. The criticism also has been based on the view that even if there is a difference between the juvenile system and the adult system, this does not justify relaxing safeguards against unjustified state exertion of power over individuals. In recent years, through rulings of the U.S. Supreme Court, a juvenile has been given practically all the due process safeguards as a person charged in adult court except the right of trial by jury.

The NAC recommended the abolishment of juvenile courts as a distinct entity and the creation of family courts that would have jurisdiction over a variety of civil and criminal matters involving family life. The NAC believes that more effective handling of delinquency cases and other matters involving family difficulties is likely to result from the creation of a family court. The family court as envisioned would include domestic matters now handled in both circuit and chancery courts in Tennessee; divorce, annulment, adoption and support.

The Tennessee Law Enforcement Planning Commission (TLEPC) rejected the proposal that a family court with juvenile court jurisdiction be created and very strongly recommended that by 1982 (end of current Juvenile Court Judges' terms of office) the juvenile court be uniform within the state judicial system.

In view of the philosophy of the juvenile court that emphasis should be placed on rehabilitation, less significance should be attached to deterrence in juvenile court cases than in adult criminal court cases. Therefore, there should be a greater willingness to screen or divert juvenile offenders. For this reason all juvenile courts should have an intake unit, or at least an intake procedure (if the volume of cases does not justify an intake unit), to identify and develop alternatives to formal processing of alleged delinquent or unruly juveniles, and to determine which of these juveniles are appropriate subjects for these alternatives. The NAC recommends that the intake unit should make the decision whether to proceed formally; that is, the equivalent to the decision to prosecute in an adult case. This decision should not be made without consultation with the prosecutor. But because of the difference in philosophy that the NAC believes should be retained, the ultimate decision should be made by a unit whose primary emphasis is on determining the course of action most likely to make the offender a useful member of the community.

The intake unit also should have the responsibility to make the initial decision whether, and under what conditions, to detain a juvenile prior to formal action. One of the procedural differences between the juvenile and adult systems that the NAC believes should be retained is the absence of a right to bail in the juvenile system. Prehearing placements should be available in two forms: detention and shelter care. Detention should consist of placement in physically restricting facilities pending court disposition; shelter care should consist of temporary care of children in physically unrestricted facilities.

Diversion from the Criminal Justice Process

Diversion has been used informally and unofficially at all stages of the criminal justice process since its inception, but without being clearly identified and labeled. As used here "diversion" refers to formally acknowledged and organized efforts to utilize alternatives to initial or continued processing into the justice system. To qualify as diversion, such efforts must be undertaken prior to adjudication and after a legally proscribed action has occurred.

The positive argument for diversion is that it gives society the opportunity to consider the possibility of reallocating existing resources to programs that promise greater success in bringing about correctional reform and social restoration of offenders. Given the choice between expanding the capacities of police, courts, and institutions to the point where they could accommodate the present and projected rates of criminal activity and the opportunity to establish diversion programs with public funds, the economics of the matter clearly favor a social policy for diversion. For example, the Project Crossroads diversion program in the District of Columbia had a per capita program cost of approximately \$6 per day. The per capita cost of institutionalization in Department of Corrections facilities was averaging close to \$17 per day at the time. Furthermore, the recidivism rate among Crossroads participants was 22 percent, as opposed to 46 percent among a control group which did not receive project services.

For communities interested in maximizing the planned use of diversion, it is necessary to identify the points at which diversion may occur and the individuals or groups primarily responsible for it at each of these points. There are three main points at which diversion may occur: prior to police contact, prior to police processing, and prior to official court processing. Analysis of each of these potential points of diversion yields three basic models in terms of responsibility for diversion: community-based diversion programs, police-based diversion programs, and court-based diversion programs.

Diversion presupposes the development of effective alternatives. Formal and informal community agencies that will provide assistance and counseling to referred juveniles should be identified. Because the philosophy of the juvenile court is toward rehabilitation rather than punishment, diversion is particularly applicable to the juvenile justice system, in which diversion has more chance of success because of the youth of those involved.

Youth Services Bureaus

Neighborhood agencies providing community services for young people can be an important element in the prevention and reduction of crime and delinquency. Such agencies are identified herein as youth services bureaus, and the Commission believes that they have provided some of the most successful examples of the effective delivery of social services within the framework of a social service delivery system.

The essence of any social service delivery system, according to the Commissioner of the Social and Rehabilitation Service Administration for the U.S. Department of Health, Education and Welfare, is to marshal and coordinate resources to bring the client to his best functioning level. The youth services bureau is not itself a service agency so much as an agency for organizing the delivery of services to children and their families. Suggestions for service include group and individual counseling, placement in group and foster homes, work and recreational programs, employment counseling, and special remedial or vocational education.

At the present time, youth services bureaus have at least five goals. These include: (1) diversion of juveniles from the justice system; (2) provision of services to youth; (3) coordination of both individual cases and programs for young people; (4) modification of systems of services for youth; and (5) involvement of youth in decisionmaking, and the development of individual responsibility.

Youth services bureaus should serve other youth in addition to those referred by the juvenile court. If a youth services bureau were to focus on providing service only to diverted youth referred by law enforcement and court personnel, it could develop the same stigma that is now attached to justice system processing when it becomes known in the community as a place for delinquents. Instead, with a nonauthoritative approach, youth services bureaus can have unique contact with and provide assistance to youth in trouble, whose activities (such as running away or drug problems) could lead shortly to official detection or apprehension. Young people with problems in their homes, schools or communities should be able to contact the bureau, which enables the bureau to provide help when it is requested--not merely when an official agency deems that it is necessary.

Contents of This Report

The goals, objectives and strategies which form the basis for this report, with some exceptions, originated with the National Advisory Commission on Criminal Justice Standards and Goals (NAC). Those not from the NAC are from other national groups or are suggestions received from persons participating in the project as panel or task force members. The goals, objectives and strategies contained in this report were reviewed for clarity, acceptance and feasibility by panel members, through a mail survey, and by participants in five task force groups held in east, middle and west Tennessee. The task force members, as well as the panel members were persons engaged in the juvenile justice system or familiar with it.

From the goals, objectives and strategies that were acceptable to the panel and the task forces, certain key items were selected to be presented to the Tennessee Law Enforcement Planning Commission to be prioritized. At the beginning of the report is an action list that shows at a glance the key proposals, the agency responsible for implementing them and the priority assigned to each by the Commission. The action list can serve as a table of contents for the report.

The priorities assigned by the Commission will have important consequences in future years because, as is explained below, they will influence the funding of grant applications made by agencies involved in juvenile justice. It is important for agencies using this report to understand the meaning of certain terms and of the numerical priorities assigned by the Commission.

Definition of Terms

Goal A statement indicating a general direction or trend that is desired.

Objective A specific program and a date by which that program is to be at least partially in effect.

Priorities:

1 Must This is an objective that must be met by agencies seeking funds from the Commission. Each agency must meet all of the number one priorities applicable to it at any given time before it will be granted funds for objectives having lower priorities. The agency is expected to achieve the objective by the year indicated. In that year it will not receive any funds for programs with a priority of less than one unless it has met all of the number one priorities for that and previous years. Agencies will not be penalized

for failing to meet a priority one objective: (1) if that failure was due to a failure by the General Assembly or the Tennessee Supreme Court to take action required to carry out the program; (2) if the agency applied for funds to assist it in meeting the priority but did not receive a grant because the Commission was financially unable to fund the request. In the body of the report, the word "must" is used in stating each objective that was given a priority of one, unless implementation of the objective requires action by an agency outside the criminal justice system, in which case the words "very strongly recommended" are used.

- 2 Should Strongly recommended--not a "must" but will be considered for funding ahead of objectives with lower priorities. In the body of the report the words "strongly recommended" are used in stating objectives with a priority of two.
- 3 Should Consider Recommended for consideration--included as an objective which has merit under specific circumstances. In the body of the report the words "consideration should be given" are used in stating objectives with a priority of three.

Following the action list is the main body of the report. It is organized in the same order as the goals and objectives in the checklist. Most objectives have attached to them a list of "strategies" which are various ways in which objectives might be achieved and which should be considered by the agencies concerned. The goals, objectives and strategies are further explained and discussed through introductions to each goal and commentaries on each objective or set of objectives.

Following each commentary is the "source" of the goals, objectives and strategies. In most cases the source is one of the National Advisory Commission reports. Also included are references which can be used to obtain more information, if desired, about problems and issues addressed by particular objectives. References to relevant sections of the Tennessee Code Annotated (TCA) are also included.

Persons using this report should be able to look at the action list, see what objectives require their action, by what year, and look up the more detailed statement in the body of the report. The development of these proposals has emphasized not only what is desirable but what is workable and practical.

JUVENILE JUSTICE AND PROGRAMS

C - Correction
 CA - Community Action
 E - Education

JC - Juvenile Court
 L - Legislature
 LE - Law Enforcement

LG - Local Government
 SG - State Government

<u>Goal and</u> <u>Page Nos.</u>	<u>Description</u>	<u>Agency</u>	<u>'76</u>	<u>'77</u>	<u>'78</u>	<u>'79</u>	<u>'80</u>	<u>Beyond</u> <u>'80</u>
1. (16)	<u>GOAL: MINIMIZE EXTENT OF INVOLVEMENT OF</u> <u>JUVENILE OFFENDERS WITH THE CRIM-</u> <u>INAL JUSTICE SYSTEM</u>							
1.1 (17)	Policies must be established, and it is very strongly recommended that in addition legislation be enacted, to insure uniform and appropriate action to divert juveniles from the criminal justice system.	LE,JC,L		1				
1.2 (18)	Each local jurisdiction, in cooperation with related state agencies, must develop and implement formally organized programs of diversion that can be applied to juveniles in the criminal justice process from the time an illegal act occurs to adjudication.	LE,JC, SG,CA			1			
1.3 (20)	Law enforcement chief executives must develop written policy governing agency action in juvenile matters, including detection, deterrence, and prevention of delinquent behavior and juvenile crime.	LE			1			
1.4 (21)	It is strongly recommended that law enforcement agencies in which more than 15 persons are employed develop juvenile investigation capabilities.	LE			2			
1.5 (22)	It is strongly recommended that law enforcement agencies in which more than 75 persons are employed establish juvenile units.	LE			2			
1.6 (23)	It is strongly recommended that all juvenile officers be provided with specific training in preventing delinquent behavior and juvenile crime.	LE			2			

JUVENILE JUSTICE AND PROGRAMS (continued)

Goal and Page Nos.	<u>Description</u>	<u>Agency</u>	<u>'76</u>	<u>'77</u>	<u>'78</u>	<u>'79</u>	<u>'80</u>	Beyond <u>'80</u>
2. (25)	<u>GOAL: RESTRICT CIRCUMSTANCES FOR AND LENGTH OF JUVENILE DETENTION</u>							
2.1 (26)	Consideration should be given to the es- tablishment of policies and mechanisms to restrict the circumstances for and length of juvenile detention to absolute minimums.	JC			3			
2.2 (27)	It is very strongly recommended that the detention of juveniles in facilities housing adults accused or convicted of crime be prohibited.	L,JC					1	
3. (28)	<u>GOAL: INSURE APPROPRIATE, EFFECTIVE AND FAIR PROCESSING OF JUVENILE OF- FENDERS</u>							
3.1 (29)	It is very strongly recommended that the juvenile court be uniform within the state judicial system of Tennessee.	L,JC						1-82
3.2 (30)	Specialized training must be provided all persons participating in the processing of juvenile court cases.	JC				1		
3.3 (31)	An intake procedure must be established for each juvenile court.	JC	1					
4. (35)	<u>GOAL: IMPROVE INTERACTION BETWEEN CRIMINAL AGENCIES AND THE PUBLIC</u>							
4.1 (36)	Specific programs must be established to inform the public of the problems, needs and activities of the criminal justice system and its component parts.	LE,JC,C					1	
4.2 (37)	It is strongly recommended that police agencies establish programs and use police agency employees to inform the public of the defined police role.	LE						

JUVENILE JUSTICE AND PROGRAMS (continued)

<u>Goal and Page Nos.</u>	<u>Description</u>	<u>Agency</u>	<u>'76</u>	<u>'77</u>	<u>'78</u>	<u>'79</u>	<u>'80</u>	<u>Beyond '80</u>
4.2 (38)	Police agencies should consider obtaining the active involvement of parents, teachers and professional organizations in educating youth as to the ill effects of drugs and providing alternatives to drugs.	LE, CA				3		
5. (40)	<u>GOAL: INSURE RIGHTS OF JUVENILES COMMITTED TO CORRECTIONAL INSTITUTIONS</u>							
	Right to Proper Living Conditions							
5.1 (41)	The Department of Correction must fulfill the right of each juvenile in a correctional institution's custody to:							1
	a. A healthful place in which to live.							
	b. Recreational opportunities.							
	c. Healthful surroundings--including independent safety and sanitation inspections.							
6. (46)	<u>GOAL: IMPROVE THE CONDITIONS OF CONFINEMENT</u>							
	Adequacy of Juvenile Correctional Institutions							
6.1 (47)	It is very strongly recommended that necessary legislation and procedures be enacted to assure certain minimum requirements are adhered to in all juvenile correctional institutions and programs. These programs should assure:							1
	a. Adequacy of facilities.							
	b. Adequacy of services.							
	c. Adequacy of security.							
	d. Adequacy of regulations and procedures.							
	Social Environment of Institutions							
6.2 (49)	Each correctional agency operating juvenile institutions must:							1
	a. Provide an organizational structure that permits open communication between the inmates, staff members and the administration, and allows input in the decisionmaking process.							
	b. Make explicit its correctional goals and programs.							

JUVENILE JUSTICE AND PROGRAMS (continued)

<u>Goal and Page Nos.</u>	<u>Description</u>	<u>Agency</u>	<u>'76</u>	<u>'77</u>	<u>'78</u>	<u>'79</u>	<u>'80</u>	<u>Beyond '80</u>
	c. Adopt policies and procedures that will preserve the individual identity of the inmate.							
6.3 (50)	Each institution for juveniles should consider adopting policies and procedures and provide facilities that will enable inmates to maintain healthy ties to their families and communities.	G				3		
	Flexibility of Policies for Handling Juveniles Under Commitment to the Department of Correction							
6.4 (52)	It is very strongly recommended that legislation be enacted that would prohibit assignment of nondelinquent juveniles to institutions for delinquents.	L			1			
6.5 (53)	Prerelease guidance centers for committed juveniles must be established.	G						1
7. (54)	<u>GOAL: IMPROVE CORRECTIONAL PROGRAMS THROUGH EMPHASIS OF REHABILITATION AND REENTRY</u>							
	Education and Vocational Training							
7.1 (55)	It is strongly recommended that each institution for juveniles reexamine educational and vocational training programs to insure that they provide programs to individualize education and training.	G					2	
8. (65)	<u>GOAL: DEVELOP PROGRAMS FOR UNIQUE AND SPECIALIZED NEEDS</u>							
	Treatment for Problem Offenders							
8.1 (66)	It is strongly recommended that each juvenile correctional agency implement policies and procedures to improve treatment for problem offenders, such as drug addicts, mentally ill, emotionally disturbed and psychotic.	G					2	
	Interaction Between the Community and the Institution							

JUVENILE JUSTICE AND PROGRAMS (continued)

<u>Goal and Page Nos.</u>	<u>Description</u>	<u>Agency</u>	<u>'76</u>	<u>'77</u>	<u>'78</u>	<u>'79</u>	<u>'80</u>	<u>Beyond '83</u>
8.2 (71)	Consideration should be given for each correctional institution for juveniles to actively develop the maximum possible interaction between the institution and the community.	C,CA			3			
9. (73)	<u>GOAL: IMPROVE DETENTION FACILITIES FOR JUVENILE</u>							
9.1 (74)	It is strongly recommended that guidelines be developed for planning the construction or renovation of juvenile detention facilities.	LG,LE,JC			2			
9.2 (75)	It is very strongly recommended that plans for construction or renovation of juvenile detention facilities be implemented.	LG,LE,JC			1			
10. (78)	<u>GOAL: IMPROVE COMMUNITY SERVICES TO YOUTH</u> Establishment of Youth Services Bureau							
10.1 (80)	Consideration should be given to the establishment of community-based youth services bureaus throughout the state to focus on the special problems of youth. Staffing of Youth Services Bureaus	JG,CA,LG					3	
10.2 (84)	Consideration should be given to the employment by youth services bureaus of sufficient full-time staff to meet the needs of youth. Functions of Youth Services Bureaus	CA,LG					3	
10.3 (86)	All law enforcement and court intake personnel should consider, through policy changes and ultimately through legal changes, making full use of the youth service bureau in lieu of court processing for every juvenile who: a. Is not an immediate threat to public safety.	LE,JC					3	

JUVENILE JUSTICE AND PROGRAMS (continued)

<u>Goal and Page Nos.</u>	<u>Description</u>	<u>Agency</u>	<u>'76</u>	<u>'77</u>	<u>'78</u>	<u>'79</u>	<u>'80</u>	<u>Beyond '80</u>
	b. Voluntarily accepts the referral to the youth services bureau.							
10.4 (88)	Consideration should be given to evaluating each youth services bureau in terms of its effectiveness.	LG, CA						3-81
11. (90)	<u>GOAL: PROVIDE AND EXPAND PROGRAMS FOR EMPLOYMENT OF YOUTH</u>							
11.1 (91)	It is very strongly recommended that job opportunities be expanded for economically and disadvantaged youth, especially lower income minority group members.	CA					1	
11.2 (92)	It is very strongly recommended that after school and summer employment programs be broadened for youth, including 14- and 15-year-olds.	L, CA					1	
12. (95)	<u>GOAL: PROMOTE EXPANSION OF THE EDUCATION PROCESS IN HOME AND SCHOOL TO THE END OF REDUCING CRIME</u>							
12.1 (96)	It is very strongly recommended that policies and procedures be established to upgrade the educational process at the elementary and secondary levels.	E						1
12.2 (97)	It is very strongly recommended that schools provide supportive services--health, legal, placement counseling and guidance.	E						1
12.3 (98)	It is very strongly recommended that schools develop programs that will assure that any student not wishing to continue his/her formal education will receive adequate training for a beginning level job by the age of 16 and for a higher level job if he/she graduates from high school.	E						1
12.4 (99)	Consideration should be given to recognizing that students considered errant or uneducable are the school's responsibility.	E						1

JUVENILE JUSTICE AND PROGRAMS (continued)

<u>Goal and Page Nos.</u>	<u>Description</u>	<u>Agency</u>	<u>'76</u>	<u>'77</u>	<u>'78</u>	<u>'79</u>	<u>'80</u>	<u>Beyond '80</u>
12.5 (100)	It is very strongly recommended that educational authorities propose and adopt experimental and pilot projects to: a. Train parents to instruct children at home. b. Develop techniques and methods for using the home as a learning environment. c. Provide instructional materials for home use. d. Expand programs to train and use parents as aides, assistants and tutors in regular school classrooms. e. Train teachers to effectively instruct disruptive children in the classroom. f. Develop innovative methods and programs to prevent and reduce delinquency by children who are recognized by teachers and others who work with young children as potential behavior problems.	E					1	
12.6 (101)	It is very strongly recommended that school facilities be made available to the entire community as centers for human resources and adult education and recreation.	E					1	
13. (104)	<u>GOAL: USE RECREATION AS AN INTEGRAL PART OF AN INTERVENTION STRATEGY AIMED AT PREVENTING DELINQUENCY</u>							
13.1 (105)	It is very strongly recommended that policies and procedures be developed and implemented for the use of recreation as a deterrent to delinquency.	LG,CA					1	
14. (110)	<u>GOAL: PROMOTE INVOLVEMENT OF RELIGIOUS COMMUNITY IN CRIME PREVENTION</u>							
14.1 (111)	Consideration should be given to develop ways in which the religious community may actively participate in the process of crime prevention.	CA					3	

JUVENILE JUSTICE AND PROGRAMS (continued)

<u>Goal and Page Nos.</u>	<u>Description</u>	<u>Agency</u>	<u>'76</u>	<u>'77</u>	<u>'78</u>	<u>'79</u>	<u>'80</u>	<u>Beyond '80</u>
15. (114)	<u>GOAL: DEINSTITUTIONALIZE STATUS OFFENDERS</u>							
15.1 (115)	Each correctional agency for juveniles must adopt a policy of not building new institutions for juveniles until community resources have been developed that would deinstitutionalize status offenders.	C, LG, CA, JC		1				

1. GOAL: MINIMIZE THE EXTENT OF INVOLVEMENT OF JUVENILE OFFENDERS WITH
THE CRIMINAL JUSTICE SYSTEM

Introduction

The juvenile court and its procedure were originally developed to divert children and youth from the criminal justice system. Yet by the very nature of the juvenile court's responsibility to protect society, to correct and rehabilitate the child, and to guarantee right of due process, it is very closely related to courts dealing with adult crimes. The basic philosophy of the juvenile court is to correct rather than to punish. If the child can be corrected and rehabilitated by diversion methods and without the need of being subjected to the stigmatized discipline inherent with formal adjudication, the interests of both society and the child are better protected.

Diversion means to suspend the criminal justice process before or after the child has been brought into the criminal justice system because of an illegal act and before final adjudication--on the condition that the child meet the conditions imposed in the diversion process. Should the child continue to be a threat to society, the criminal justice process can be resumed or begun, and more stringent methods of correction applied. Experience has shown that if a child can be kept out of the criminal justice system, there is less likelihood of future involvement with the system.

1.1 Objective. By 1977 policies must be established and in addition it is very strongly recommended that legislation be enacted, to insure uniform and appropriate action to divert juveniles from the criminal justice system.

Implementation Criteria

- a. Responsible authorities at each step in the criminal justice process where diversion may occur, particularly law enforcement and juvenile courts, should develop policies, procedures and mechanisms for implementing diversion programs.
- b. Criminal justice agencies must have the cooperation and resources of other community agencies, both public and private, to which juveniles can be diverted for services relating to their problems and needs.

1.2 Objective: By 1978, each local jurisdiction, in cooperation with related state agencies, must develop and implement formally organized programs of diversion that can be applied to juveniles in the criminal justice process from the time an illegal act occurs to adjudication.

Strategies

1. Law enforcement agencies should establish written policies and guidelines to support police discretionary authority to divert juveniles outside the justice system.
2. Possible forms of diversion should include:
 - a. Release on the basis of unfounded charges;
 - b. Referral to parents, social agencies or juvenile intake services.
3. Provide initial health agency referral to those persons in need of professional assistance, but not taken into custody.
4. Provide a wide range of community services to deal with the major needs of the participant.
5. Ex-offenders and others may be trained to work with participants in these programs.
6. Court personnel should be well informed about the purpose and methods of diversion.
7. Juvenile courts should use local mental health facilities rather than distant state facilities when possible.^{1/}
8. Community mental health center personnel should work together with juvenile court judges to develop specific means to improve the management of difficult juvenile problems.
9. Each agency with the authority to select or recommend offenders for diversion should consider the following criteria for diversion:

1/ TCA 33-708.

Positive Criteria

- a. Relative youth of the offender.
- b. Willingness of the victim to waive prosecution.
- c. Likelihood the offender suffers from mental illness, retardation, or other psychological abnormality related to his crime and for which treatment is available.
- d. Likelihood the crime was significantly related to any other situation which would be subject to change by participation in a diversion program.
- e. Likelihood that prosecution may cause undue harm to the defendant.
- f. Unavailability within the criminal justice system of services to meet the offender's needs and problems.
- g. Likelihood that the arrest has already served as a desired deterrent.
- h. Likelihood that the needs and interests of the victim and society are served better by diversion.
- i. Probability that the offender does not present a substantial danger to others.
- j. Voluntary acceptance of the offered alternative by the offender.

Negative Criteria

- a. History of use of physical violence.
 - b. Involvement with syndicated crime.
 - c. History of antisocial conduct indicating such conduct has become an ingrained part of the defendant's life style.
10. Prior to diversion the facts of the case should sufficiently establish that the child committed the alleged act. If the facts do not sufficiently establish guilt, the child should be screened or the prosecution should be required to prove in court alleged offense was committed by the child.
 11. A written statement should be made and retained specifying the fact of and reason for any diversion.
 12. When a child (who comes under a category of offenders for whom diversion is regularly considered) is not diverted, a written statement of the reasons should be retained.
 13. Where the diversion program involves significant deprivation of an offender's liberty, diversion should be permitted only under a court-approved agreement.
 14. Procedures should be developed for the formulation of court-approved diversion agreements and their approval by the court.

1.3 Objective. By 1978 law enforcement chief executives must develop written policy governing agency action in juvenile matters, including detention, deterrence, and prevention of delinquent behavior and juvenile crime.

Strategies

1. Law enforcement officers should be separated from the detention decision in dealing with juveniles.1/
2. When a juvenile is taken into custody the officer should in the following order:
 - a. Notify parents;1/
 - b. Warn child of right to counsel and to remain silent.2/
3. Extrajudicial statements not made in the presence of parents or counsel should be inadmissible in court.2/
4. Juveniles should not be:
 - a. Fingerprinted and/or photographed without the consent of the court.3/
 - b. Routed through adult booking procedures.
5. Juvenile records should be maintained physically separate from adult case records. Safeguards should be developed to protect confidentiality of juvenile records when such records are placed in a computerized information system.4/

1/ TGA 37-215.

2/ TGA 37-227.

3/ TGA 37-253.

4/ TGA 37-251, 252.

1.4 Objective. It is strongly recommended that by 1978 law enforcement agencies in which more than 15 persons are employed develop juvenile investigation capabilities.

1.5 Objective. It is strongly recommended that by 1978 law enforcement agencies in which more than 75 are employed establish juvenile units.

1.6 Objective. It is strongly recommended that by 1978 all juvenile officers be provided with specific training in preventing delinquent behavior and juvenile crime.

Commentary

Prosecution of youthful offenders for minor charges often is regarded as needlessly creating a potentially harmful criminal record. Such offenders often are diverted to minimize the negative effects of conviction and to make available counseling or other assistance.

It would be very difficult if not impossible to specify all the factors that might be regarded as indicating the desirability of diversion. There are, however, two common prerequisites for diversion:

1. Undesirability of criminal prosecution because of undue harm to the defendant or his underlying problem, because of the apparent futility of prosecution in preventing future offenses, or because formal prosecution fails to meet the needs of the victim.

2. Availability of assistance such as treatment, counseling or mediation procedures.

More than three-fourths of the felonies processed in criminal courts are committed by repeaters. Recidivism rates ordinarily are highest among offenders discharged from prison at the expiration of their sentences, lower among parolees, and lowest among probationers. It therefore seems clear that correctional institutions are failing to achieve their correctional objectives. Should diversion fail to accomplish the desired result in improving behavior of an errant juvenile, harsher means are always available.

The Juvenile Court of Metropolitan Nashville, Davidson County, Tennessee, has in operation the Youth Aid Bureau, partly financed through an LEAA grant. The intake department of the juvenile court refers or diverts selected children to the Youth Aid Bureau instead of processing them through the juvenile court. After formal adjudication, referral also can be made by the judge for the services available through this program. In addition, children who otherwise could be referred to the juvenile court can be referred to the Bureau by police, schools, and social service agencies. This program has been highly successful in diverting children with behavior problems from the criminal justice system.

The Metro Police Department, Nashville, Tennessee, has devoted a section of its police manual to policy and procedures in juvenile matters.

Sources

1. NAC Report on Courts, Chapter 2, p. 27-41.
2. NAC Report on Corrections, Chapter 3, p. 73-97.
3. NAC Report on Police, Chapter 4, p. 80-82, Chapter 5, p. 221-223.

References

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3. Kliene, Malcolm, "Police Processing of Juvenile Offenders: Toward the Development of Juvenile System Rates," in Criminal Justice Planning Projects, Los Angeles County (1970).
4. Tennessee Code Annotated Title 37, Chapter 20, TCA 33-708; 37-215, 227, 251-253.

2. GOAL: RESTRICT CIRCUMSTANCES FOR AND LENGTH OF JUVENILE DETENTION

Introduction

Detention as used herein refers to temporary care of a child alleged to be delinquent who requires secure custody in physically restricting facilities pending court disposition or execution of a court order. Shelter care refers to temporary care of a child in physically unrestricting facilities pending court disposition or execution of a court order for placement. Shelter care is used for dependent and neglected children.

The National Council on Crime and Delinquency has proposed that juveniles accused of delinquent conduct should not under any circumstances be detained in facilities for housing adults accused or convicted of crime. It is further proposed that detention of juveniles should be considered as a last resort where no reasonable alternative is available.

Tennessee Law TCA 37-215 provides that a child taken into custody shall not be detained or placed in shelter care prior to the hearing on the petition unless his detention or care is required to protect the person or property of others or of the child, or because the child may abscond or be removed from the jurisdiction of the court, or because the child has no parent or guardian to provide care for him and return him to the court when required.

TCA 37-216 provides that a child alleged to be delinquent or unruly may be detained in a jail or other facility for the detention of adults only if other facilities are not available and the detention is in a room separate and removed from those for adults.

2.1 Objective. By 1978, consideration should be given to the establishment of policies and mechanisms to restrict the circumstances for and length of juvenile detention to absolute minimums.

Strategies

1. Prohibit detention except as a last resort.1/
2. Use detention only where no other person can provide supervision and care, and assure juvenile's presence at subsequent judicial hearings.1/
3. If a juvenile is placed in detention (or shelter care) he should be released if no petition is filed in court within 24 hours.2/

1/ TGA 37-214.

2/ TGA 37-217.

2.2 Objective. It is very strongly recommended that by 1980 the detention of juveniles in facilities housing adults accused or convicted of crime be prohibited.^{1/}

Commentary

Many agencies have advocated that detention be limited to alleged delinquent offenders who require secure custody for the protection of others. However, most jurisdictions use detention not only for juveniles who have committed delinquent acts that would be considered crimes if committed by adults, but also for children who have committed acts deemed by the court to be conducive to crime (truancy, disobedience, incorrigibility and the like), who are frequently categorized as "persons in need of supervision" (PINS).

Although data on the extent of this problem are scarce, indications are that youth in the PINS group comprise at least 50 percent of most detention populations. This estimate does not include the number of children detained in jails or other holding facilities in areas not having detention centers. This situation is now increasingly recognized by correctional administrators, the judiciary, and behavioral scientists as detrimental to the goals of delinquency prevention.

In Tennessee the only completely separate juvenile detention facilities operated by juvenile courts are located in the four metropolitan counties of Davidson, Shelby, Hamilton and Knox.

Sources

1. NAC Report on Corrections, Chapter 16, p. 573-575.

References

1. "Uniform Juvenile Court Act," National Conference of Commissioners on Uniform State Laws, in Handbook, Chicago: NCCUSL (1968).
2. "Task Force Report: Juvenile Delinquency and Crime," President's Commission on Law Enforcement and Administration of Justice, Washington: Government Printing Office (1967).
3. Empey, LaMar T., "Alternatives to Incarceration," Washington: U.S. Department of Health, Education and Welfare (1967).
4. Tennessee Code Annotated (TCA) 37-214, 216, 217.

3/ TCA 37-216.

3. GOAL: INSURE APPROPRIATE, EFFECTIVE AND FAIR PROCESSING OF JUVENILE OFFENDERS

Introduction

The juvenile court is not a criminal court for children. Many children appearing in juvenile court, even for behavior problems, are victims of neglect by parents and products of broken homes, and are lacking in proper parental guidance. Too often the neglected child becomes the delinquent child. A child in Tennessee is a person under 18 years of age.

The objectives of juvenile court are: first, to protect society, and second, to protect and/or correct and rehabilitate the child. Punishment, unless applied as part of treatment, should have no place in juvenile court. Juveniles who become dangerous to society and are not responsive to treatment programs of the juvenile court should be prosecuted as adults. The law provides for the transfer of such juveniles to the adult court.

Once a child has been adjudicated by the court as delinquent (one who violates the law), unruly (a child beyond the control of his parents), or dependent and neglected (includes abused and abandoned children), the child becomes a ward of the court. The court then in effect acts as the parent of the child and has the duty, responsibility and authority not only to make such disposition as necessary to treat, rehabilitate, and protect the child, but also to follow the corrective action ordered by the court to see that it is carried out.

Under Tennessee law a delinquent child is a child who has committed a delinquent act and is in need of treatment and rehabilitation. A delinquent act is an offense that would be a crime if committed by an adult. Offenses committed by children that would not be crimes if committed by adults (truancy, runaway, etc.) are considered to be status offenses. In Tennessee a child who commits offenses applicable only to children is considered an unruly child, provided treatment and rehabilitation is needed.

While smaller courts sometimes rely on "good primary screening" by police, schools, and other agencies and may have no intake personnel at all, most larger court systems have separate intake sections or departments with specially trained staff. An intake unit, when operating under a juvenile court can make the initial decision whether to proceed formally, which is the juvenile case's equivalent to a decision to prosecute in the adult case. The intake unit should also have the responsibility of making the initial decision whether--and under what conditions--to detain a juvenile prior to formal action.

3.1 Objective. It is very strongly recommended that by 1982 the juvenile court be uniform within the state judicial system.

Strategies

1. The juvenile court should be authorized to order institutionalization of a juvenile only upon:1/
 - a. Determination of delinquency;
 - b. Finding that no alternative disposition would accomplish the desired result.
2. A legal officer representing the state should present evidence supporting the allegation of delinquency.2/
3. Defense counsel should function as the advocate for the juvenile.3/
4. The adjudication hearing to determine whether or not a juvenile is a delinquent should be separate and distinct from the disposition hearing--assuming a finding of delinquency. (Tennessee Law) provides for a separate disposition hearing, either immediately after the adjudication hearing or at a later date.)4/

1/ TCA 37-231, 232.

2/ TCA 37-224.

3/ TCA 37-226.

4/ TCA 37-229.

3.2 Objective. By 1979 specialized training must be provided all persons participating in the processing of juvenile court cases.1/

1/ TGA 37-904, 37-281.

3.3 Objective. By 1976 an intake procedure must be established for each juvenile court.

Strategies

1. The functions of the intake unit of the juvenile court should include:
 - a. The initial decision concerning detention or shelter care;
 - b. The decision whether or not to offer diversion programs;
 - c. The decision (in consultation with the prosecutor) whether or not petition should be filed alleging delinquency or neglect.1/
2. The intake unit should formulate criteria for juvenile placement.
3. Intake personnel should have the authority to screen complaints which:2/
 - a. Do not fall within the delinquency jurisdiction of the court;
 - b. Are minor or vindictive.
4. Intake personnel should have the authority to divert or seek informal service dispositions for as many cases as possible.3/
5. Informal service dispositions should have the following characteristics:
 - a. Juveniles and parents should be advised of right to counsel and to formal adjudication (and advised that informal disposition can be terminated);4/
 - b. Participation by all should be voluntary;5/
 - c. Major facts of the case should be undisputed;5/
 - d. Statements made during the informal process should be excluded from subsequent formal proceedings;
 - e. A reasonable time limit (1 to 2 months) should be adhered to between the date of the complaint and the date of the agreement;5/
 - f. Restraint on the juvenile's freedom should be minimal.5/
6. Permit the child to remain with parents (or others) subject to such conditions as the court may prescribe.6/

1/ TCA 37-206.

2/ TCA 37-210.

3/ TCA 37-206, 210.

4/ TCA 37-210, 226.

5/ TCA 37-210.

6/ TCA 37-215, 217, 231.

7. Juvenile intake and detention personnel planning should include:

- a. Intake and detention under one administrative head.
- b. No employment discrimination.^{1/}
- c. Merit system without political influence.
- d. Selection based on ability to relate to youth and other agencies.^{2/}
- e. The option of the employment of paraprofessionals and volunteers, which may include ex-offenders.

8. Salaries for juvenile intake and detention personnel should be commensurate with their educational training and experience and comparable to other government positions which have similar qualifications.^{3/}

Commentary

The structure of the juvenile court in Tennessee varies widely. Juvenile courts are financed by local government, and in each county, unless changed by private act of the Tennessee legislature, the law provides for the county judge to have juvenile court jurisdiction. Unless required by the private act creating a particular court, the law does not require the juvenile court judge to be an attorney. Of the 101 juvenile court judges in Tennessee, at the present time approximately one-fourth (25) are attorneys. Fourteen general session judges have juvenile court jurisdiction. In two counties, Anderson and Dyer, juvenile court jurisdiction is placed in law and equity courts. The four metropolitan counties of Davidson, Hamilton, Knox and Shelby have special full-time juvenile courts. In addition three smaller cities have city juvenile courts created by private act; Bristol, Johnson City and Kingsport.

Except in the four metropolitan counties, the duties of juvenile judges rarely occupy the full time of the judge. County judges in addition to juvenile court duties, act as the fiscal agent for the county, preside over the county court (probate matters) and preside over the county quarterly court. In some counties these duties may vary due to private acts for particular counties.

There is presently pending on appeal to the Tennessee Supreme Court a ruling by the Court of Appeals, Middle Section at Nashville, that any juvenile court judge who commits a child to an institution (deprives him

^{1/} TCA 8-1321.

^{2/} TCA 37-904.

^{3/} TCA 37-907.

of liberty) must be an attorney (State of Tennessee v. Carl Williams; and State of Tennessee v. Donnie Wiser). Should the ruling by the Court of Appeals be upheld, a major revision of the juvenile court structure would necessarily follow.

Lack of uniformity of the juvenile court system results in fragmentation. Training of judicial personnel and others in the juvenile court structure is available; however, the receipt of training and concern of the part-time juvenile court judge to promote and/or initiate preventative and rehabilitative programs depends on his interest in the juvenile court phase of his work, and also is influenced by the demands on his time from other duties.

Generally the National Advisory Commission (NAC) believes that in juvenile cases less significance should be attached to deterrence than in adult cases; therefore, there should be a greater willingness to screen or divert juvenile offenders. For this reason all juvenile courts should have an intake unit; or if case load is too low to justify an intake unit, they should have an intake procedure with an individual selected by the judge to attend to the function normally handled by an intake unit.

Prehearing placements should be available in two forms; detention and shelter care. Detention should consist of placement in physically restricting facilities pending court disposition; shelter care should consist of temporary care of children in physically unrestricted facilities.

In all but the smallest jurisdictions, intake services can be of great assistance to the judge of the juvenile court. Due to the volume of cases, the need for a decision at any hour of the day or night, and other more pressing duties of the judge, the decision whether to process formally and, if so, whether or not to detain pending further court action would of necessity be unduly delayed if such decisions were made only by the judge. An intake unit or officer acting under policy set by the judge, should be able to properly attend to this area of the court's activities.

In juvenile courts of the metropolitan areas of Tennessee it is a physical impossibility for the judge to personally supervise each juvenile case brought to the court. By the use of trained and competent intake personnel and other employees of the court, more individual attention can be given to each juvenile, resulting in more effective solutions to the various problems presented the court.

In Tennessee, very few if any juvenile courts have intake units outside of the four metropolitan counties of Davidson, Hamilton, Knox and Shelby. Smaller courts generally do not have the volume of cases that would justify an intake unit as such; however, a juvenile court officer or probation officer can and frequently does perform the same function as the intake unit.

Sources

1. NAC Report on Courts, Chapter 14.
2. NAC Report on Corrections, Chapter 8, pp. 264-272; Chapter 16, pp. 573-575.

References

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4. National Council on Crime and Delinquency, Model Rules for Juvenile Courts, New York: National Council on Crime and Delinquency (1969).
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6. National Council on Crime and Delinquency, Washington, D.C.: Juvenile Detention Needs, New York: National Council on Crime and Delinquency (1970).
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10. Kay, Herma Hill, "A Family Court; The California Proposal," California Law Review, 56, October 1968.
11. Administrative Manual, Juvenile Court of Memphis and Shelby County (Tennessee).
12. Sheridan, W., Standards for Juvenile and Family Courts, Children's Bureau Publication 437 (1966).
13. TCA Title 37, Chapter 200.
14. TCA 8-3121; 37-904, 907.

4. GOAL: IMPROVE INTERACTION BETWEEN CRIMINAL JUSTICE AGENCIES AND THE PUBLIC

Introduction

Public approval and support is most important to criminal justice agencies in meeting their responsibilities in dealing with youthful offenders, as well as providing protective services for children, who through no fault of their own, come within the protective jurisdiction of the juvenile court.

To be effective in their duty to protect society, law enforcement agencies must have public understanding and support. This applies not only to effective police work by obtaining cooperation and involvement of citizens, but also to obtaining financial support from the local governing agency in providing sufficient funds for efficient operation.

In order to develop and implement effective programs designed to protect, correct and rehabilitate children, juvenile courts must have the support of public and private agencies as well as the public in general. Juvenile correction agencies also must have public support in order to be effective in providing resources necessary to rehabilitation.

4.1 Objective. By 1979 specific programs must be established to inform the public of the problems, needs and activities of the criminal justice system and its component parts.

4.2 Objective. It is strongly recommended that by 1979 police agencies establish programs and use police agency employees to inform the public of the police's defined role.

Strategies

1. Annual classroom presentation by uniformed officers at all elementary schools within its jurisdiction.
2. Development of or participation in youth programs.
3. Every community should establish joint police-community crime prevention programs.

4.3 Objective. By 1979 police agencies should consider obtaining the active involvement of parents, teachers, and professional organizations in educating the youth as to the ill effects of drugs, and providing alternatives to drugs.^{1/}

Commentary

Most people have a fair understanding of what the police do, but often they do not know why a particular action was or was not taken. Officers seldom have the time or opportunity to explain their actions to bystanders, but when police agencies can explain their role to the public, the public is more likely to accept the actions of police officers as proper in a given situation.

As part of the process of police-public communication, the public needs information about the nature of the police role in order to develop understanding. Public acceptance of activities that are an essential part of routine police duties will then be understood. Misconceptions of the police role make the delivery of services more difficult.

Many police agencies have used public and private schools to increase public understanding of the police role. Many agencies cooperate with local schools in programs that encourage students to accept the policeman as their friend rather than their adversary. Most programs have been concentrated in the lower grades where students are taught traffic and bicycle safety, and how to shun potential molesters. Some programs are extensive, including study unit guides for teachers, coloring books illustrating safety situations, and repeated classroom visits by officers.

Sources

1. NAC Report on Police, Chapter 1, p. 29-46.
2. NAC Report on Community Crime Prevention, Chapter 4, p. 105-107.

References

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^{1/} TCA 49-1901.

4. U.S. Department of Justice, Office of Law Enforcement Assistance,
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Police Teacher Curriculum Development," p. 4, Project 052, Washington,
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6. TGA 49-1901.

5. GOAL: INSURE RIGHTS OF JUVENILES COMMITTED TO CORRECTIONAL INSTITUTIONS

Introduction

Custody means more than possession; it means care. Healthy surroundings, medical care and opportunities for recreation for juveniles or adults confined in correctional institutions are unquestioned rights. Overcrowded or outdated facilities could cause unhealthy conditions. Correctional institutions for committed juveniles are operated by the state, and except for possibly overcrowded and some obsolete facilities, the right of the committed juvenile to healthful surroundings is protected. Local detention facilities for preadjudicated juveniles in some areas of the state are substandard due to the lack of proper detention facilities and the necessity to use the local jails, which in some instances are below acceptable standards.

5.1 Objective. By 1973, the Department of Correction must fulfill the right of each juvenile in correctional institution custody to:

- a. A healthful place in which to live.
- b. Recreational opportunities.
- c. Healthful surroundings--including independent safety and sanitation inspections.

Strategies

1. Fulfill the right of each juvenile in correctional institution custody to medical care.
2. Offenders should receive within 24 hours examination by a physician, paramedical or medical-technical assistant upon admission to a correctional facility.

Commentary

When a judge grants custody over an offender to the correctional authority, he is at once declaring that the correctional authority has power over the offender, and this power must be used to promote the health of the offender. The obligation to provide healthy surroundings to a pre-trial detainee--convicted of no crime--can be no less. Especially in facilities for juvenile confinement, failure to implement the highest standards may have lifelong impact for the inmates, who are in the formative years of their lives.

Overcrowding is especially harmful. It exacerbates health hazards and also contributes to tensions. Medical literature indicates that recreation is essential to good health. All standard correctional literature recognizes the value of a well-designed and comprehensive recreation program for incarcerated offenders.

The nonliving areas of the correctional facility also should be designed and maintained with health and safety in mind. Kitchens, especially, must be operated in accordance with the highest standards. Vocational education, shop, and industrial areas of the correctional facility should be operated in accordance with federal and state occupational safety laws.

Source

1. NAC Report on Corrections, Chapter 2, pp. 35-37.

References

1. Matter of Savoy, Doc. No. 70-4804 (D.C. Juv. Court, 1970). (Court finds lack of "big muscle" recreation facilities for indoor physical activity unacceptable for juveniles in prehearing detention.)
2. McCollum v. Mayfield, 130 F. Supp. 112 (N.D. Cal. 1955) (Refusal of prison authorities to provide inmate with needed medical care actionable under Federal Civil Rights Act).

Right to Rehabilitation

Introduction

The Youth Services Division of the Tennessee Department of Correction emphasizes rehabilitation in regard to every juvenile committed to that Department. The objective and strategies listed below are generally being met by the Department.

While recently there has risen some question as to the effectiveness of rehabilitation of adults convicted and confined in the correctional system, this should in no way lessen the effort to develop and maintain rehabilitation programs for juvenile offenders. The basic philosophy of the original creation of the juvenile court is that correction and rehabilitation, rather than punishment, are the objectives of the court in dealing with youthful offenders. Also, young offenders in the formative years of their lives are more likely than adults to be susceptible to rehabilitative programs.

5.2 Objective. Each juvenile correctional agency should develop and implement policies, procedures and practices governing the offenders' right to rehabilitation.

Strategies

1. A rehabilitative purpose should be implicit in every disposition.
2. A correctional authority should have the affirmative and enforceable duty to provide programs appropriate to the purpose for which a child was committed.
3. The correctional agency should:
 - a. Give first priority to implementation of statutory specifications or statements of purpose on rehabilitative services.
 - b. Supplement its rehabilitative services by referring offenders to social services in which offenders are under community supervision. In planning rehabilitative programs, it should establish a presumption in favor of community-based programs.
 - c. Include a mixture of educational and vocational counseling, and other services appropriate to offender needs.
 - d. Specify a mixture of the following services:
 - (1) Comprehensive array of education programs to include: remedial education and high school equivalency.
 - (2) Vocational programs.
 - (3) Counseling programs to include: education; vocational; employment; psychiatry; and psychology.

Commentary

An enforceable right to "treatment" or rehabilitative services has not yet been established in the courts in any significant measure. Although much discussed in recent years, it remains the most elusive of the offender rights being asserted.

Explicit judicial validation of a right to treatment has been limited to the criminally insane or mentally defective offender and, on a much narrower basis, to juvenile or youthful offenders. Even here, the concept has been established in only a few cases. It has involved few jurisdictions and has in some cases turned on interpretation of a statutory mandate rather than a constitutional right. Although the chief legal bulwark for an affirmative right to rehabilitative services will remain statutory, a substantial due process argument is increasingly being recognized.

As Justice Blackmun noted in the Supreme Court opinion in Jackson v. Indiana, 406 U.S. 715 (1972): "At the least, due process requires that the nature and duration of commitment bear some reasonable relation to the purpose for which the individual is committed."

Initial suggestions of an affirmative right to rehabilitative services for criminal offenders seem to have stemmed from an emerging, judicially confirmed "right to treatment" in civil commitment of the mentally ill. The first crossover probably was a District of Columbia case concerning a statute requiring mandatory hospital treatment of defendants acquitted by reason of insanity. A federal court, *Rouse v. Cameron*, 373 F. 2d 451 (D.C. Cir. 1966), found that the statute created for the defendant an enforceable right to treatment while institutionalized. This ruling was followed by a Massachusetts decision, *Nason v. Superintendent of Bridgewater State Hospital*, 353 Mass. 604 (S. Ct. 1968), ordering a more adequate treatment program for an offender incompetent to stand trial who was receiving only custodial care.

Applicability to the juvenile justice system was suggested by two more District of Columbia cases: *Creek v. Stone*, 379 F. 2d 106 (1967) and *In re Elmore*, 382 F. 2d 125 (1967). One involved a juvenile in prehearing detention, the other an adjudicated offender in a juvenile institution. A right to treatment, or release if treatment could not be supplied, was enunciated here. Reliance was placed on the standard injunction in juvenile court acts that children removed from home shall receive care, custody, and discipline equivalent to that which should have been supplied by parents. As in the other right-to-treatment cases, the deficiencies at issue related to psychiatric and mental health care rather than general rehabilitative programs. However, a recent District of Columbia case, *Matter of Savoy* (Docket #70-4804 D.C. Juvenile Ct. 1970), enforced a more generalized program of rehabilitative services against a statutory standard, including compulsory education and recreation.

In two recent decisions, the tendency toward carving a right to treatment from enabling legislation was continued. In one case, *McGray v. State*, 10 Crim. L. Rptr. 2132 (Montgomery Cty., Md. Cir. Ct. 1971), involving an institution for legally sane but mentally or emotionally deficient offenders, the court stated that the statute "implicitly connoted treatment and rehabilitation." It found that a total rehabilitative effort was missing and treatment should be accelerated notwithstanding budgetary limitations imposed by the state and even for recalcitrant and noncooperative prisoners.

In the other case, *U.S. v. Allsbrook*, 10 Crim. L. Rptr. 2185 (D.Ct. D.C. 1971), the danger to public safety and recidivism was stressed. The court found that failure to provide the full rehabilitative services contemplated by the Federal Youth Corrections Act for District of Columbia

offenders barred further commitments under the Act without a Justice Department certification of treatment availability. There was a further determination that this situation infringed on the court's constitutional sentencing authority and justified orders to the executive branch to provide adequate facilities as contemplated by the Act.

Endorsement of the right to treatment does not carry with it the right of correctional authorities to require participation or coerce offenders into participating, in rehabilitative programs. Consideration of individual privacy, integrity, dignity, and personality suggest that coerced programs should not be permitted. In addition, a forced program of any nature is unlikely to produce constructive results. This principle, as applied to juveniles, must be qualified under the parens patriae concept, but nonetheless it would appear to have considerable validity here also.

Source

1. NAC Report on Corrections, Chapter 2, pp. 43-45.

References

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6. GOAL: IMPROVE THE CONDITIONS OF CONFINEMENT

Adequacy of Juvenile Correctional Institutions

Introduction

The right of the state or any other governing body to custody of citizens who because of violating laws have lost their right to liberty for an indefinite or specified time, is accompanied by the responsibility to maintain institutions of confinement in a manner that assures adequacy of operation.

6.1 Objective. It is very strongly recommended that by 1978 necessary legislation and procedures be enacted to assure certain minimum requirements are adhered to in all juvenile correctional institutions and programs. These programs should assure:

- a. Adequacy of facilities,
- b. Adequacy of services,
- c. Adequacy of security,
- d. Adequacy of regulations and procedures.

Strategies

1. Juveniles of different types should be separated, and special supervision of treatment should be available for those with special problems and conditions.
 - a. The mentally ill should not be housed in a detention facility.
 - b. Addicts should be diverted to narcotic treatment centers.^{1/}
2. Personal medical records should be kept for each inmate.
3. The institution's medical program should obtain assistance from external medical and health resources.
4. A dentist and other special medical services should be provided.^{2/}
5. Correctional personnel should be trained to administer first aid.
6. Three nutritionally balanced meals should be provided per day.
7. Sanitation and safety procedures should be implemented.
8. Treatment measures should emphasize rewards for good behavior rather than the threat of punishment for misbehavior.

Sources

1. NAC Report on Corrections, Ch. 9, pp. 302-303.

References

1. TGA 4-620, 33-814.

^{1/} TGA 33-814.

^{2/} TGA 4-620.

Social Environment of Institutions

Introduction

The incarcerated person tends to feel alienated, angry, and isolated in an environment which he does not understand and which does not understand him. If there is to be success in resocialization, offenders' programs and operation must be governed by principles that cope with that alienation and anger. In its simplest form this means involvement, fairness, and self-determination. Without involvement motivation to change is an impossible goal. Coercion may bring about conformity (it often does in institutions); however, high recidivism rates indicate that conformity often disappears in a free society where individuals must make decisions, the opportunity to commit crime exists, and coercion is not so obvious.

6.3 Objective. By 1978, each institution for juveniles should consider adopting policies and procedures and providing facilities that will enable inmates to maintain healthy ties to their families and communities.

Strategies

1. Provide transportation for visitors from terminal points of public transportation.
2. Provide visiting facilities that allow ease and informality of communication.
3. Provide surroundings for family visits including appropriate facilities for and attention to the needs of visiting children.

Commentary

Inmate advisory committees provide an opportunity for airing complaints and presenting suggestions and requests directly to administrators. Administrative policies, rules, procedures, and attitudes can be discussed directly. The committee's principal value lies in involving offenders in matters concerning their welfare.

The entire institutional stay should be oriented toward the offender's return to the community and the problems existing there. At present, both inmates and staff usually are preoccupied with problems of daily routine and the technical requirements of the institutional process.

Without a clear and precise definition of goals, it is unrealistic to expect organizational structures, personnel practices, program resources and decisionmaking procedures to accomplish a specific purpose. For this reason, a priority for institutional programs must be a clear statement of purpose.

With the adoption of a reintegration philosophy and program thrust, personnel should be recruited and trained to perform accordingly. Effectiveness of staff and programs in implementing the reintegration objective should be measured by performance standards. The policy should be widely publicized to obtain public support and avoid misunderstanding as to institutional goals. The administration should continuously be alert to changes inside and outside the institution that affect the realization of objectives and that may require changes in personnel policy or programs.

Since self-concept, the way an individual perceives himself, is an essential element in human behavior, it must be considered in the operation of any correctional system.

The institution by its very nature interrupts the relationship between the committed offender and his family and friends. The institution helps to destroy these relationships by excessive restrictions on mail and visitation. While severing positive relationships, these restrictions have virtually forced the offender to develop strong ties with other committed offenders in substitute relationships.

Source

1. NAC Report on Corrections, Chapter 11, pp. 363-367.

References

1. McGee, Thomas A., Minimum Standards of Disciplinary Decisionmaking, Sacramento: California Youth Authority (no date).
2. "Application of Token Reinforcement to Academic Reinforcement of an Institutionalized Delinquent Boy," Journal of Education Psychology, 59:164-168 (1968).
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4. The Reentry of the Offender into the Community, Office of Juvenile Delinquency and Youth Development, U.S. Department of Health, Education and Welfare, Washington: DHEW (1967).
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Flexibility of Policies for Handling Juveniles Under Commitment to the Department of Correction

Introduction

One of the major incentives for establishing a correctional system administered by a single agency is to insure development of coordinated facilities and programs. Establishment of such an agency will assure coordination. With some limitations, the Commissioner of Correction in Tennessee has very broad discretion in establishing policies and procedures. One limitation is that the Commissioner cannot order the release of a committed juvenile without the approval of the committing judge. This rarely presents a problem as the matter is usually resolved. Another obvious limitation is that needed funds to implement certain programs may not be available. Another limitation is that nondelinquent offenders (unruly) can be committed to institutions for delinquents.

6.4 Objective. It is very strongly recommended that by 1976 legislation be enacted that would prohibit assignment of nondelinquent juveniles to institutions for delinquents.

6.5 Objective. By 1980 prerelease guidance centers for committed juveniles must be established.

Commentary

In Tennessee all correctional institutions to which delinquent juveniles may be committed are under state control within the Department of Correction. A prerelease guidance center is operated at Spencer Youth Center in Nashville.

Several cities in Tennessee have group home type facilities to which youthful first offenders, borderline delinquents, and also children needing supervision and care not available in their own home may be referred by the Juvenile Court. They are not correctional facilities as such. These facilities are: Tall Trees in Memphis; children here are actually committed to the Department of Correction and on the recommendation of the judge are placed by the Department; Richland Village in Nashville; children placed here are primarily dependent and neglected children and status offenders although some delinquent children may be placed; Five Rivers Campus School in Clarksville; group home facilities at Kingsport and also at Bristol. These last three facilities primarily handle children who need supervision that is lacking in their home (status offenders).

Source

1. NAC Report on Corrections, Chapter 16, pp. 581-582, 585-586.

References

1. Legislative Guide for Drafting State-Local Programs on Juvenile Delinquency, Washington: U.S. Department of Health, Education and Welfare (1972).
2. Empey, Laram T., "Alternatives to Incarceration," Washington: U.S. Department of Health, Education and Welfare (1967).

7. GOAL: IMPROVE CORRECTIONAL PROGRAMS THROUGH EMPHASIS OF REHABILITATION
AND REENTRY

Education and Vocational Training

Introduction

Offenders typically lack marketable skills for employment as well as the basic education necessary to develop these skills. They have been "losers" in school and are caught up in the cycle of cultural and economic deprivation. In institutions they are trained too often in a skill for which there are no jobs at all or no jobs in the community to which they will return. Often the job is being phased out as obsolete.

7.1 Objective. It is strongly recommended that by 1978 each institution for juveniles reexamine educational and vocational training programs to insure that they provide programs to individualize education and training.

Strategies

1. Each institution should have a comprehensive, continuous educational program for inmates.^{1/}
2. Educational programs should be available to all residents, with particular emphasis on self-paced learning programs, packaged instructional materials and utilization of volunteers and paraprofessionals as instructors.
3. Educational or study release should be available to all inmates who do not present a serious threat to others.
4. Vocational programs should be provided by the appropriate state agency.
5. Prevocational and vocational training programs to enhance the offender's marketable skills should include:
 - a. Short, intensive training programs.
 - b. Individual prescriptions for integrating academic work, remedial reading and math.
 - c. Incentive pay scales as part of on-the-job training.
 - d. Vocational education and training programs that are relevant to the employment world.
 - e. On-the-job training and work release.
 - f. Active job placement program.
6. Emphasis should be placed on programmed instruction. A variety of instructional materials should be used, and selected offenders should participate in instructional roles.

1/ TCA 4-655.

Commentary

Vocational programs, like the institution's educational programs, should have measurable objectives, and the instructors should be as highly qualified as the instructors of similar programs in the state public education systems. The community also should be involved, including trades advisory councils and other representatives of business and labor. Vocational training resources of the community should be used wherever possible.

Both educational and vocational training programs should be modernized. A widespread technique is the use of individually programmed instruction allowing the student to progress at a suitable pace and providing immediate feedback. This approach has been tested by the Rehabilitation Research Foundation in Alabama, with apparently successful results.

A variety of instructional materials should also be used. Additional flexibility should be provided by the use of correspondence courses to supplement the instruction given in the institution.

Credit for the completion of educational and vocational programs will help offenders compete for jobs on release and add credibility to their training.

The use of selected offenders in instructional roles, such as the preparation of educational and training materials, can give them a sense of personal satisfaction and self-esteem. Their empathy with fellow offenders can create an effective bond that facilitates the learning process.

Development of cooperative programs involving community resources should be characteristic of programs and follow through after release. Community residents should serve on advisory boards for vocational training, assist in postincarceration employment placement, and provide talented offenders and ex-offenders with needed educational opportunities. The Department of Corrections in North Carolina, for example, has developed a cooperative arrangement with the Department of Community Colleges to make available to offenders and ex-offenders a wide variety of academic, technical, and vocational programs.

Sources

1. NAC Report on Corrections, Chapter 9, pp 304-307; Chapter 11, pp 368-372.

References

1. California Youth Authority, Procedures for Appraising California Youth Authority Education Programs, adapted from Procedures for Appraising the Modern High School, Rev. ed. Sacramento (1971).
2. "Breakthrough for Disadvantaged Youth," U.S. Department of Labor, Manpower Administration, Department of Labor (1969).
3. TCA 4-655.

Recreation Programs for Inmates

Introduction

Historically, recreation activities in major adult correctional institutions served only an incidental purpose. Usually most forms of play were prohibited. Prior to World War II, with punishment as the predominant function of the institution, prison administration officials found it difficult to justify recreation programs. In Tennessee, recreation in juvenile correctional institutions is not only permitted, but it is encouraged through organized programs.

7.2 Objective. Recreational programs should continue to be implemented in juvenile institutions to assist in changing the behavior patterns of offenders. (Note--in the Youth Services Division of the Department of Correction this objective has already been met.)

Strategies

1. A range of activities to provide physical exercise should be available.
2. Each institution should have a full-time, trained and qualified recreation director.
3. There should be recreation program planning for every offender.
4. Ongoing interaction with the community should be provided.

Commentary

Individualized recreation programs as part of rehabilitation and treatment are operated at the state training schools for juveniles. In addition Tennessee Youth Center at Joelton, Taft Youth Center near Pikeville, Spencer Youth Center at Nashville (formerly known as Jordonia), and the John S. Wilder Development Center near Somerville all engage in interscholastic sports, playing schools in the Tennessee Secondary School Athletic Association (TSSAA) as affiliate members. The state training schools for juveniles are also engaged in intramural sports.

Source

1. NAC Report on Corrections, Chapter 8, pp 383-384.

References

1. Gabrielson, M. Alexander, and Canvell M. Miles, eds, Sports and Recreation Facilities, Englewood Cliffs, New Jersey: Prentice-Hall (1958).
2. Joint National Conference of the Division for Girls' and Women's Sports and the Division of Men's Athletics, Values in Sports, Washington: American Association for Health, Physical Education, and Recreation (1963).
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5. Meyer, Harold D., and Charles K. Brighthill, eds., Community Recreation, Englewood Cliffs, New Jersey: Prentice-Hall (1964).

6. Nesbit, John A., Paul D. Brown, and James F. Murphy, eds., Recreation and Leisure Service for the Disadvantaged, Philadelphia: Lea and Febiger (1970).
7. O'Morrow, Gerald S., ed., Administration of Activity Therapy Service, Springfield, Illinois: Charles C. Thomas (1966).

Counseling Programs

Introduction

The term "counseling" has been used to describe a wide range of correctional activities. It is used here to mean planned use of positive, interpersonal relationships through which verbal techniques can be applied to promote adjustment. Activities leading to interpersonal maturity of the offender should be differentiated from routine advice. Conditions in which this growth may take place should be established.

7.3 Objective. Each juvenile correctional institution should continue to plan and organize ongoing counseling programs.

Strategies

1. Counseling within institutions should be given high priority in resources and time.
2. Three levels of programs should be provided:
 - a. Individual,
 - b. Small group, and
 - c. Large group.
3. Institutional organization should support counseling programs by coordinating:
 - a. Group living,
 - b. Educational,
 - c. Work, and
 - d. Recreational programs.
4. Comprehensive treatment programs in the institutions should implement the treatment recommendations of the Juvenile Receiving and Guidance Center.

Commentary

Counseling programs are in effect in the Juvenile Division of the Tennessee Department of Corrections, both for children who are in institutions and after their release on aftercare. Also, children on probation are given counseling.

Counseling programs should provide a variety of opportunities for offenders based on their individual needs as determined by the individual himself and competent differential diagnosis. Any counseling experience should offer the opportunity to ventilate troublesome feelings verbally and to develop feelings of self-esteem by being treated as a worthwhile person whose opinions are respected. Such an experience may help alter stereotyped perceptions of all authority figures as cold, hostile, rejecting, demanding, and autocratic.

Group counseling experiences give offenders the chance to observe that others share similar problems and that these problems can be resolved. Group sessions also allow experimentation with new social behaviors and

roles in a nonthreatening setting. They provide feedback to the individual on how he is perceived by his peers and how his own comments and behaviors affect the way in which others view and treat him. Finally, all offenders should be given the opportunity to interact in counseling situations with members of the outside social world, including family members and volunteers, to humanize and normalize the institutional experience as much as possible.

Offenders' social and emotional adjustments frequently suffer from very limited and often damaging interpersonal experiences. Conflicts in the struggle to resolve problems of identity and interpersonal relationships often lead to frustration and stress. These pressures frequently produce anger, hostility, and aggressive behavior and are major contributing factors to delinquency and crime.

The cost of implementing a good counseling program can be kept low by selecting a highly capable counseling supervisor who can choose and train existing staff for counseling duties. Minor alterations can convert portions of living units to counseling rooms. Some equipment such as tape recorders and videotape for feedback purposes also would be helpful.

Source

1. NAC Report on Corrections, Chapter 9, pp 385-386.

References

1. California Youth Authority, Division of Institutions Task Force for Program Development, Sacramento (1966).
2. Fenton, N., et al., The Correctional Community, Sacramento: California Youth and Adult Corrections (1967).
3. The Role of Group Counseling in a Wholesome Group Living Program, Job Corps Staff Training Monograph, Berkeley: University of California (1966).
4. U.S. Department of Health, Education, and Welfare, Institutions Servicing Delinquent Children, Children's Bureau Publication 360. Washington: DHEW (1962).
5. U.S. Department of Health, Education, and Welfare, Group Counseling with Delinquent Youth, Children's Bureau Publication 459, Washington: DHEW (1968).

Religious Programs

Introduction

While participation in religious activities in an institution should not be required or mandatory, certainly those who desire to participate should be given the opportunity. The influence of religion in reducing delinquent behavior and motivating a person toward a more positive attitude in his relations with others is unquestioned. Religion is a matter of choice and individual determination, and those who are institutionalized should, as far as it is practical, be given the opportunity to exercise their choice. The objective set forth below is being met by the Tennessee Department of Correction.

7.4 Objective. Each juvenile correctional institution should continue to maintain policies and practices to insure a full range of religious programs.

Strategies

1. Opportunities for offenders to pursue the religious faith of their choice should be maximized.
2. Chaplains should play an integral part in the institutional program.
3. Community representatives of all faiths should be encouraged to participate in religious services and other institutional activities.
4. The counselor should locate religious resources in the community for offenders who desire assistance after they are released.

Commentary

Religion in the institutional setting has suffered from a lack of interest and participation by staff and offenders.

A review of recent corrections literature reveals virtually no information on innovative religious programs. Brief attention is given to the number of chaplains and the physical facilities necessary for worship, but no attempt is made to grapple with the changing role of the chaplain in the institution. With the reintegration philosophy, the need for change becomes apparent.

Long ago, the issue of a possible conflict in institutions with the principle of "separation of church and state" was resolved. The constitutional right to freedom of religion requires that those denied free access to the religious worship of their choice by virtue of their confinement by the state must be afforded all reasonable assistance in pursuing their faith while confined. In fact, the principle has been established that the state must maximize the exercise of individual rights in this regard because of the involuntary restrictions on movement and association it enforces.

Traditionally institutions have provided the services of three chaplains, Protestant, Roman Catholic, and Jewish. Owing to the difficulty in providing chaplains for every faith that might be represented in an institutional population, the chaplains were directed to provide ecumenical services so that all individuals could worship in their own way. Until recently, this resolution proved to be reasonably satisfactory.

An increase in the number of confined persons identifying with religious groups or sects associated with ethnic, cultural, or subcultural groups and not affiliated with the three major faiths has raised questions about the efficacy of this traditional resolution. While having chaplains for all faiths probably still is not feasible, the increased diversity increases the responsibility of existing chaplains and administrators to provide all reasonable assistance to satisfy this diversity. Purchase of religious materials, food selection, and other practices must reflect existing needs to the extent possible. Inclusion of community representatives of various faiths in institutional programs should be pursued. In short, all reasonable effort must be made to accommodate varying religious practices and beliefs.

Source

1. NAC Report on Corrections, Chapter 7, pp 381-82.

Reference

1. American Correctional Association Manual of Correctional Standards, 3rd ed. Washington: ACA (1966).

8. GOAL: DEVELOP PROGRAMS FOR UNIQUE AND SPECIALIZED NEEDS

Treatment of Problem Offenders

Introduction

Offenders who are drug addicts, alcoholics, psychotic, or emotionally disturbed pose special problems for the correctional institution. To be effective, treatment for these types of persons requires special attention that may not be available in the institution or not practical to administer due to the need to deal with other inmates in a more organized manner. Also it should be noted that to have any chance to be effective treatment of these type persons must help them to deal with their problems.

8.1 Objective. It is strongly recommended that by 1978 each juvenile correctional agency implement policies and procedures to improve treatment for problem offenders, such as drug addicts, mentally ill, emotionally disturbed and psychotic.

Strategies

1. The commitment of drug addicts to correctional institutions should be discouraged.^{1/}
2. When drug addicts are committed to correctional institutions, policies should provide for:
 - a. Specially trained and qualified staff to design and supervise drug offender programs;
 - b. Former drug offenders, carefully screened, to be recruited and trained as change agents to influence offenders' behavior patterns.
 - c. Through the classification system develop realistic goals for the reintegration of the offender with a drug problem.
3. Mental health agencies should provide for comprehensive psychiatric treatment of emotionally disturbed offenders who are confined in correctional facilities.
4. Psychotic offenders should be transferred to mental health facilities.
5. Program policies and procedures should be clearly defined.
6. A diagnostic report should be developed, along with a program plan for each offender.
7. On transfer from diagnostic to treatment status, the diagnostic report, program prescription and all case material should be reviewed within two working days.

1/ TCA 33-814.

Commentary

Addicts

Drug abuse treatment in an institutional setting has yielded little success. Traditional staff attitudes regarding the addict as beyond help have reinforced the negative self-image of users and contributed to the inherent difficulties of institutional drug treatment programs.

To deal effectively with the drug abuser's problems will require continuing treatment. Many innovative programs now are being undertaken in the community by a variety of agencies and organizations. The drug abuser and his needs should be identified in the institution, and a program initiated that will be continued on release.

As long as drug users are sentenced and committed to institutions, correctional agencies and institutions must attempt to devise programs that will deal with the problem and provide the basis for later treatment in a more appropriate community setting. Staff, including ex-offenders, should be especially selected and trained to work in drug programs. Every institutional resource with potential usefulness should be brought to bear. An effort must be made to align drug users with group affiliations that can substitute for the drug subculture. Because no solutions have yet been developed that provide effective treatment for addicts in correctional institutions, the correctional agency and institution should encourage initiative and innovation on the part of persons operating these programs. Research and experimentation should be a fundamental feature of every drug treatment program.

Emotionally Disturbed Offenders

These offenders are found in most institutions for juveniles or adults but in much fewer numbers than is popularly thought. They are committed to correctional rather than mental institutions because of a diagnosis or finding that they are not sufficiently disturbed to require commitment to a mental hospital. Although these offenders are expected to receive psychiatric treatment (and this often is a factor in court's decision to commit), such facilities and resources have been nonexistent in correctional facilities until the past two decades and still are so in most institutions.

As psychiatric services for diagnostic purposes became available in some correctional systems, the response of the correctional systems was to transfer the most seriously disturbed offenders to mental institutions. This decision was motivated by the fact that a large proportion of highly disturbed offenders were prone to violent and destructive behavior and highly oriented toward escape. However, as state mental hospitals developed "open institutions," they began to discourage admission

of disturbed offenders for whom more secure facilities were required. The result was that few offenders in need of psychiatric treatment were accepted or satisfactorily treated by mental hospitals. Attempts to share treatment responsibility for mentally disturbed offenders between corrections and mental health agencies have seldom been satisfactory.

These factors led many state correctional systems to develop their own diagnosis and treatment resources. Two patterns developed. The first approach was to identify a separate living unit within a larger institution as an intensive treatment center. The second was to develop a single-purpose institution for all offenders deemed in need of special psychiatric services.

The single psychiatric facility was more efficient in terms of pooling psychiatric resources, maintaining a hospital treatment theme, and providing clear program direction. It suffered because of isolation.

Experience has shown that both the specialized treatment unit and the single-purpose psychiatric institution have disadvantages. Some basic principles must be recognized for both.

1. High-level administrative support is necessary.
2. The program must be able to handle disturbed offenders who display aggressive or assaultive behavior.
3. Specific policies and procedures must assure close contact between the psychiatric program and the larger system it serves.

Costs related to the severely disturbed offender may range from \$50 to \$75 per day. Unfortunately, the alternative is inadequate service or none at all. Provision of adequate services means that there is a large investment of staff time in these offenders with a consequent loss of service to other offenders. The additional cost is a continual recycling of untreated, disturbed individuals in and out of the system.

The correctional institution should not attempt to treat the psychotic but must persist in efforts to persuade mental health agencies to accept him for care and treatment. The institutional program for the emotionally disturbed should be under the direct supervision of psychiatric personnel, and the usual standards and procedures of that field should be adopted. Associated treatment personnel should be organized into teams and particularly intensive services be provided. Arrangements for the continued treatment of the disturbed offender after his release into the community should be a primary consideration.

Sources

- 1.
1. NAC Report on Corrections, Chapter 11, pp 373-377.

References

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9. TGA 33-814.

Interaction Between the Community and the Institution

Introduction

It is a recognized and accepted fact of life that some individuals by their antisocial and illegal behavior, through due process of law lose their right of freedom and are confined to a correctional institution for specified or indefinite periods of time. The philosophy of confinement of juvenile offenders is that such confinement is for the purpose of treatment and rehabilitation rather than for punishment or deterrence, although punishment and deterrence inevitably result from such confinement regardless of the stated purpose of it. The very nature of the confinement, with the resulting stigma and separation from home and community, necessary as the confinement may be, acts to limit rather than enhance the rehabilitative prospects. The child is placed in an unusual and strange environment for a certain period of time and then on release finds himself in a completely different set of circumstances to which he is expected

to adjust. Contact with the community in which the offender is to live while under the custody and control of the correctional institution should increase the probability of the offender's behavior being acceptable to the community on his release. It is therefore important that interaction between the community and the institution be developed.

8.2 Objective. By 1978 consideration' should be given for each correctional institution for juveniles to actively develop the maximum possible interaction between the institution and the community.

Strategies

1. Maximum possible interaction between the community and the institution should include:
 - a. Joint programming between the institution and the community. Participation of offenders in educational programs in the community.
 - b. Involvement of police officers in acquainting offenders with pertinent sections of the law.
 - c. Opportunities for offenders to travel to and participate in workshop services of local churches.
 - d. Active cultivation of civic group participation and encouragement for inmates to become members.
 - e. Arrangements for representatives of government agencies to render services to offenders.
 - f. Participation of business and labor in intramural and extramural programs and activities.
 - g. Participation of volunteers in institutional programs and activities.

Commentary

The entire institutional stay should be oriented toward the offender's return to the community and problems existing there. If the offender is to be successfully reintegrated, his community cannot abdicate responsibility or withhold resources. To discharge its responsibility, the community must not allow the offender to be cut off from it. The correctional institution should be a part of the community's criminal justice system, not a place of banishment. It must not be viewed as the sole agent bringing about behavior change. At best, the institution is a temporary and limited supplement to community resources.

The community should be intimately involved in institutional planning and programs. Paraprofessionals and screened ex-offenders who have an understanding of the problems of offenders should be used for a variety of roles in both community-based and institutional programs. It is suggested that the community accept inmates in its own educational classes. Police officers, who are the community representatives with most frequent contact with offenders, should participate in institutional programs to encourage more constructive relationships and a better understanding of the law among offenders. Offenders should have access to church services in the community, and the community churches should participate in the institutional religious services.

Source

1. NAC Report on Corrections, Chapter 11, pp 362-367.

Reference

1. Office of Juvenile Delinquency and Youth Development, U.S. Department of Health, Education and Welfare, "The Reentry of the Offender into the Community," Washington: DHEW (1967).

9. GOAL: IMPROVE DETENTION FACILITIES FOR JUVENILES

Introduction

No social problem area is more in need of coordinated and uniform planning than that of youth crime and juvenile delinquency. This planning should seek to encompass a total system philosophy, taking into consideration the full range of delinquency controls needed in a particular planning area and the ultimate goal of delinquency prevention. The planning of a detention center cannot be done in isolation or without fully assessing the total service needs for the predelinquent and delinquent youths.

9.1 Objective. It is strongly recommended that by 1978 guidelines be developed for planning the construction or renovation of juvenile detention facilities.

9.2 Objective. It is very strongly recommended that plans for construction or renovation of juvenile detention facilities be implemented by 1978.

Strategies

1. When total system planning indicates a need for renovation of existing juvenile detention facilities or construction of new ones, the following principles should be considered:
 - a. Location in a residential area of the community near court and community resources;
 - b. Maximum population limit of 30 juveniles per facility;
 - c. Limit of 10 or 12 juveniles in each living area of the facility;
 - d. Provisions for individual occupancy in homelike rooms;
 - e. Security considerations based on a combination of staffing patterns, technological devices and physical design;
 - f. Use of existing residential facilities in preference to new construction;
 - g. In-house facility programming based on investigation and use of existing community resources whenever possible;
 - h. New construction and renovation designed to enhance the participation of residents and staff in the various programs of the facility;
 - i. Coeducational facilities;
 - j. Access to supportive programs (education, libraries, outdoor recreation areas, etc.);
 - k. Establishment of a citizen advisory board to develop alternatives to detention; and
 - l. Compliance in planning with state federal regulations and the Environmental Policy Act of 1969.

Commentary

The planning process should include a thorough assessment of present practices, an evaluation of resources, an analysis of trends based on sufficient statistical information, and an exploration of community-based alternatives to dispositions currently being made.

The total system planning concept also implies coordination with and input from courts, probation departments, law enforcement agencies, state corrections agencies, and public and private agencies already involved in treating and preventing juvenile delinquency. Planning efforts also should include the participation of social welfare agencies, academic and vocational education departments, mental health services, employment agencies, public recreation departments, and youth groups.

The planning should emphasize community-based programs and treatment. While the success of these programs has yet to be documented through verified, empirical research, there are sufficient indications that they can achieve the goals of delinquency reduction and those of reintegration and resocialization of delinquents. Detention and incarceration have known deleterious effects, and therefore youngsters should be diverted from the juvenile justice system in every possible instance. For those who must be retained in the system, all possible alternatives to detention should be used. For economic reasons alone, full exploitation of community resources is warranted.

The expansion or construction of a detention facility should not be undertaken unless total system planning efforts indicate conclusively that it is needed and that no residential facilities in the community can be adapted to meet the need. The site or the structure to be used for detention should be located near court and community resources and in a residential area.

The center should not be planned for a population in excess of 30. Where the requirements of an unusually large metropolitan area exceed that number, separate facilities, small in size and forming a network system, should be considered. Living units within the facilities should accommodate 10 to 12 youngsters, or less, each in a separate room. Living unit design should reflect principles of facility programming. The individual rooms should be designed and furnished normally. Whatever security is needed should depend more on staffing patterns, unobtrusive technological devices, and the physical design of the structure than on traditional security equipment.

Within the facility the design should reflect the interrelationships among in-house program activities--sleeping, dining, counseling, visiting, recreation--and between staff and youngsters. The entire facility should be designed for coeducation.

As in any other type of correctional planning, citizen advisory bodies should be used to develop programs and activities and to enlist community support and resources. Due consideration should be given to state and federal regulations and the Environmental Policy Act of 1969. With respect to the latter, adherence to the principles set forth in this standard should prevent difficulties in obtaining clearance for construction.

Source

1. NAG Report on Corrections, Chapter 8, pp 269-70.

References

1. California Department of the Youth Authority, Guidelines for Inspecting Juvenile Halls, Sacramento (1969).
2. "Designing Facilities--The Detention Center," Philadelphia: University of Pennsylvania (1971). (unpublished)
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10. GOAL: IMPROVE COMMUNITY SERVICES TO YOUTH

Establishment of Youth Services Bureaus

Introduction

Neighborhood agencies providing community services for young people can be important elements in the prevention and reduction of crime and delinquency.

The agencies are identified in this report as youth services bureaus, and the National Advisory Commission (NAC) believes that they have provided some of the most successful examples of the effective deliveries of social services within the framework of a social service delivery system.

Youth Services Bureaus in large part were the result of a recommendation by the 1967 President's Commission on Law Enforcement and Administration of Justice, which urged communities to establish these bureaus to serve both delinquent and nondelinquent youth referred by the police, juvenile courts, schools, and other sources. That Commission envisioned these bureaus as central coordinating units for all community services for young people.

Social services are made available to clients who have a need for such services, which include employment, job training, education, housing, medical care, psychiatric care, family counseling, or welfare. At present, these services for adults as well as for youth are fragmented. A family with multiple problems is often seen by several agencies at the same time. Often one agency does not know what another is doing, and it is not uncommon for agencies to be working at cross-purposes with one another.

Many youth services bureaus have been effective in integrating and coordinating the services available to youth and have acted as the central intake unit for analyzing a juvenile's needs and referring him to or providing him with services. The utility of youth services bureaus as a model for all social delivery systems was highlighted by Sherwood Norman in his book, The Youth Services Bureau, a Key to Delinquency Prevention:

"The Bureau strengthens existing agencies by performing an enabling function rather than attempting to fill gaps in service. It bridges the gap between available services of youth in need of them by referral and followup; it acts as an advocate of a child to

see that he gets the services he needs. The Youth Services Bureau is not itself a service agency so much as an agency for organizing the delivery of services to children and their children and their families."

10.1 Objective. By 1980 consideration should be given to the establishment of community-based youth services bureaus throughout the state to focus on the special problems of youth.

Such bureaus should include programs for:

- a. Diversion of juveniles from the justice system.
- b. Provision of a wide range of services to youth through advocacy, purchase of services, and referrals.
- c. Crisis intervention when needed.
- d. Youth development.

Strategies

1. Youth services bureaus should be organized as independent, locally operated agencies.
2. Youth services bureaus should not be under the control of the justice system or one of its components, but rather under the control of a community-based board of directors.
3. Public funds should be appropriated on an ongoing basis, to be available for continuing support for effective youth services bureaus.
4. Private funding should be encouraged.
5. A bureau should be operated with the advice and consent of the community it serves, particularly the recipients of its services.
6. A coalition, including young people, adults, and representatives of agencies and organizations operating in the community, should comprise the decisionmaking structure.
7. Youth services bureaus should develop procedures for effective use of existing community services whenever possible.
8. Bureaus should only develop services which are unavailable to the youth or which are inappropriately delivered.
9. Youth services bureaus should make needed services available to all young people in the community.
10. Bureaus should make a particular effort to attract diversionary referrals from the juvenile justice system.
11. Services should be appealing and accessible by locality, hours of service and style of delivery.

12. Programs should have a minimum of intake requirements and form-filling.
13. Hotlines, outreach programs, and street workers should be used wherever appropriate.
14. Delivery of services should require parental notification.

Commentary

A strong impetus for establishing youth services bureaus came from the President's Commission on Law Enforcement and Administration of Justice in 1967. The Commission's major specific recommendation for preventing delinquency called for the establishment of youth services bureaus throughout the country.

That Commission recommended:

Communities should establish neighborhood youth serving agencies--youth services bureaus--located if possible in comprehensive neighborhood community centers and receiving juveniles (delinquent and nondelinquent) referred by the police, the juvenile court, parents, schools, and other sources.

Efforts, both private and public, should be intensified to ... establish youth services bureaus to provide and coordinate programs for young people.

Police forces should make full use of the central diagnosing and coordinating services of the youth services bureaus.

In elaborating on these recommendations, the presidential Commission's Juvenile Delinquency Task Force indicated that long-term recommendations for youth services bureaus required the creation of new social institutions. However, the Task Force suggested that currently existing neighborhood centers could serve as the basis for the necessary institutions, even though they did not appear to be making a sufficient impact on delinquency control at that time. Nevertheless, the Task Force favored the expanded use of community agencies, ideally to be located in comprehensive community centers, for dealing with delinquents nonjudicially and close to where they live.

The Task Force suggested exploring the availability of federal funds both for establishing the coordinating mechanisms basic to the youth services bureau's operations and for instituting programs needed in the community. A range of operational forms was mentioned as a possibility. Staffing advocated in that report focused on laymen, engaged as volunteers or paid staff, to augment the professional staff in the official justice system agencies.

The target population recommended for youth services bureau programs ideally was to be both delinquent and nondelinquent youth. While anticipating that some cases would normally originate with parents, schools, and other sources, the Task Force expected the bulk of referrals to come from police and juvenile court intake staff. "Police and court referrals should have special status in that the youth services bureau would be required to accept them all."

The Task Force report continued, "The youth services bureau should also accept juveniles on probation or parole... It should accept 'walk-ins' and parental requests for voluntary service. It should respond to requests for aid from other organizations and individuals. But the compelling priority would be youth who have already demonstrated their inability to conform to minimal standards of behavior at home or in the community." "Troublemaking and acting out" were two other terms the report used in describing the target population.

In conjunction with the key group of youth to be served (troublemaking) and the primary referral sources proposed (police and court intake), it is critically important that the President's Commission envisaged that referral to the bureau and acceptance of the bureau's service would be voluntary. Otherwise, the Commission said, "The dangers and disadvantages of coercive power would merely be transferred from the juvenile court to it."

While there are a number of diversionary type programs in Tennessee, there are none operating under the name of Youth Services Bureau. An agency similar to a youth services bureau is being operated at Athens, Tennessee. This is the McMinn County Youth Affairs Department. It is a nonauthoritarian special diversion unit that functions outside the justice system as an advocate for children and youth who are involved with or are on the verge of becoming involved with the juvenile justice system. The Youth Affairs Department is 90 percent funded by the Tennessee Law Enforcement Planning Agency with the remainder of the cost being assumed by the cities of Athens and Etowah as well as McMinn County.

The Department of Youth Services of Memphis, an agency operated by the City of Memphis, deals primarily with disadvantaged youth and is outside the juvenile justice system. The Department of Youth Services is engaged primarily in prevention of delinquency, engaging in employment services for youth, recreation and other such services.

The Youth Aid Bureau of the Davidson County Juvenile Court, Nashville, is a court-operated agency. Its main function is to divert children from the official court system, which can be done in the following ways:

1. Direct referrals from the Judge of the Court.
2. Direct referrals from the Probation Division's staff.
3. Direct referrals from the Court's Intake Department.

4. As caseload permits, based on the judgment of the Youth Aid Bureau supervisor, additional referrals will be accepted from the school system, from the Youth Guidance Division of the Police Department, and from public and private social and religious agencies.

Source

1. NAC Report on Community Crime Prevention, Chapter 3.

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Staffing of Youth Services Bureaus

10.2 Objective. By 1980 consideration should be given to the employment by youth services bureaus of sufficient full-time staff to meet the needs of youth.

Strategies

1. Indigenous workers and young people, paid or volunteer, should be used as staff.
2. Staffing qualifications should be based on ability to function within a youth services bureau rather than on formal education or experience. Evaluation considerations should include:
 - a. Ability to relate to youth,
 - b. Sensitivity to young people's needs,
 - c. Sensitivity to feelings and pressures in the community,
 - d. Capability of maintaining numerous and varied personal relationships, and
 - e. Knowledge of community agencies, groups and government.
3. Specialized professionals should also be included on the staff.
4. The youth services bureau should have funds to use for purchase of services that are not otherwise available.
5. Volunteers should be encouraged to become involved in the youth services bureau and should be screened and required to complete formalized training.
6. Staff should expedite services to youth by:
 - a. Appointments,
 - b. Orienting youth to the service,
 - c. Providing transportation, and
 - d. Follow-ups to insure needed services are provided.
7. Staff should have an up-to-date list of community services to which youth can be referred.

Commentary

The meshing of professional and preprofessional, paid and volunteer, adult and youth, to accomplish the goals of the youth services bureau will allow each to contribute his or her unique skills.

The focus of staffing should not be to hire only via the traditional education and experience requirements. Sensitivity to young people's needs and to the feelings and pressures of the community is a knowledge often acquired outside formalized training.

Volunteers should be an integral part of staffing for the youth services bureau. Not only can this be one method of multiplying the resources available for delinquency prevention in a community, but it can also be a method of providing youth with a style of service not otherwise available. In addition, it can raise the consciousness of community residents regarding the problems of youth.

Source

1. NAC Report on Community Crime Prevention, Chapter 3, p. 76-79.

References

1. California Delinquency Prevention Commission, Youth Service Bureaus: Standards and Guidelines (1968).
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3. Spergel, Irving A., Community Problem Solving: The Delinquency Example (1969).
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5. Youth Services of Tulsa, 222 East 5th Street, Tulsa, Oklahoma 74103 (use of volunteers).

Functions of Youth Services Bureaus

10.3 Objective. By 1980 all law enforcement and court intake personnel should consider, through policy changes and ultimately through legal changes, making full use of the youth services bureau in lieu of court processing for every juvenile who:

- a. Is not an immediate threat to public safety.
- b. Voluntarily accepts the referral to the youth services bureau.

Strategies

1. Specific criteria for diversionary referrals should be jointly developed and specified in writing by law enforcement agencies, courts, and youth services bureau personnel.
2. Diversionary referrals should be encouraged by continual communication between law enforcement, court, and youth services bureau personnel.
3. Referrals to the youth services bureau should be completed only if voluntarily accepted by the youth.
4. The youth should not be forced to choose between bureau referral and further justice system processing, but if a youth does not accept bureau referral, the case may be subject to further justice system processing.
5. Referring agencies should be entitled to reports on any referred youth's behavior.
6. Case records should be pertinent and confidential--revealed only with the permission of the youth, and or parents or guardian.

Commentary

Many of the bureaus established thus far primarily provide direct services to youth, rather than facilitating access to ongoing services in the community.

Clearly, there are many difficulties in referring youth to other services, including availability and style of delivery. Nevertheless, a capsule view of the services to be provided to individual youth by a youth services bureau might include the ABC's of service delivery. In reverse order, these are: crisis intervention, brokerage, and advocacy.

By providing crisis intervention, a bureau should be able to respond immediately to youth crises. This assumes staff availability during most (if not all) hours of the day. It also assumes trained, skilled staff. And it assumes the bureau will have access to emergency shelter care facilities.

Brokerage implies that the youth services bureau will be able to link youth to services. The strongest means of doing this is through purchase of service, although voluntary agreement with other agencies can also be used. Brokerage might also be interpreted to mean linking youth to community volunteers with special skills and abilities.

Individual advocacy should be another phase of the youth services bureau's direct service. Expediting access to the service, systematically following up to see that it has been provided, and intervening when the service has been unsatisfactorily delivered are all within the realm of the duties of an effective youth services bureau.

Source

1. NAC Report on Community Crime Prevention, Chapter 3, pp 74-77.

References

1. Duxbury, Elaine, Youth Service Bureaus in California, Progress Report Number 3 (1972).
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Evaluation of Effectiveness' of Youth Services Bureaus

10.4 Objective. By 1981 consideration should be given to evaluating each youth service bureau in terms of its effectiveness.

Strategies

1. Trends in arrest, court referral, and adjudication rates should be analyzed for each youth services bureau placing a high priority on diversion.
2. Objectives and methods to be used in evaluating this program should be developed concurrently with the development of the proposed youth services bureau and should be directly related to the bureau's highest priority objectives.
3. The goals of the youth services bureau and the relative priority assigned to those goals should be based on a careful analysis of the community, including an inventory of existing services and a systematic study of youth problems in the individual community.
4. The composition and structure of the local decisionmaking body should be determined by the priorities set among the goals.
5. Priorities among goals should be locally set.
6. Objectives should be measurable, and progress toward them should be measured by evaluative research.
7. Personnel, clients and program content and results should be documented.
8. The evaluation should focus on changes in the behavior of individual youth.
9. Wherever possible, an evaluation to compare the effectiveness of several youth services bureaus should be implemented in order to increase knowledge of the impact of the bureaus.

Commentary

Most existing youth services bureaus are pilot programs in the formative stages where research would be most useful as input in setting public policy.

While many of the policies and components of the youth services bureaus across the country hold a great deal of promise, there has been little emphasis on objective program evaluation. In all too many programs, evaluation has been conducted in retrospect. All too often it has been subjective, neglecting the use of the most fundamental evaluation techniques.

Many bureaus have no accurate idea of the number and characteristics of the youth they have served, the services they have provided them, or the outcome of these services. Very few bureaus are able to document clearly the institutional changes in which they have been instrumental.

Furthermore, very little research has been undertaken that effectively compares bureaus in order to determine which models have the greatest impact. Indeed, throughout the nation less than 1 percent of the total federal dollars expended each year on youth services bureaus has been allocated to research to make this kind of comparison.

Therefore, it is clear that additional funds should be set aside for research, and evaluation planning should occur simultaneously with program planning.

Source

1. NAC Report on Community Crime Prevention, Chapter 3, pp 70-73, 80-81.

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11. GOAL: PROVIDE AND EXPAND PROGRAMS FOR EMPLOYMENT OF YOUTH

Introduction

Work is the basic activity of most people. It is the main source of income from which needs must be met and a major criterion of personal worth by which individuals measure themselves and others. Even when the community can reach no consensus on what constitutes criminal behavior, there is general approval of lifestyles centered on productive, fulfilling, and reasonably remunerative work.

Opportunities for work are inequitably divided among various groups. Young people, members of minorities, residents of depressed urban areas, and individuals who have been denied a fair chance to obtain educational credentials or salable work skills have higher unemployment rates, fewer opportunities for promotion or advancement, and lower earnings than other members of the community. Any success they achieve in the world of work is gained against great odds.

Correlations between individual failure in the labor market and criminal behavior, and similar correlations between high local unemployment rates and high local crime rates, suggest that unequal economic status is a major cause of crime.

Improvements in the criminal justice system cannot alone halt the development of new offenders or the recidivism of ex-offenders who fail repeatedly in legal endeavors through no fault of their own. Improved economic measures are needed in the community to deter potential and past offenders from turning to crime.

11.1 Objective. It is very strongly recommended that by 1979 job opportunities be expanded for economically disadvantaged youth, especially lower income minority group members.

11.2 Objective. It is very strongly recommended that by 1979 afterschool and summer employment programs be broadened for youth, including 14 and 15 year olds. These programs should include:^{1/}

- a. Recruitment from a variety of community resources;
- b. Selection on the basis of economic need;
- c. Sufficient reservoir of job possibilities;
- d. Adequate orientation;
- e. Equitable wage;
- f. Local child labor regulations must be changed wherever possible to broaden employment opportunities for youth.

Commentary

Expansion of Job Opportunities for Youth

So long as minority youth are failing in, or being failed by, the educational system, they will not be able to overcome the economic gap separating them from the larger society. However, other forms of education and training may compensate to some degree for initial handicaps. This is the principle underlying the manpower programs initiated in the 1960's to provide compensatory services to the unskilled, including a large proportion of minority youths. Blacks under 22 years of age constitute a major segment of the total enrollment, with an estimated 460,000 served in fiscal 1970. Many of these are inner city residents. In fiscal 1969, there were estimated to be 175,000 16- to 21-year-olds in the civilian noninstitutional population of the six city slums surveyed by the Labor Department. Of these, 14,400 had completed manpower training outside school, the armed forces, or manual apprenticeship programs. An additional 26,500 were enrolled during that year, including 16,000 in the Neighborhood Youth Corps.

The Manpower Development and Training Act (MDTA) program is the oldest of the manpower efforts. It was initiated in 1962 to help workers who had been displaced by technological change. Gradually it was altered to serve the less skilled, including many minority youths. At present, 33 percent of its enrollees are 16- to 21-year-old Blacks. Since it is designed to serve those individuals who can benefit from training, participants are generally better qualified than the enrollees of other manpower programs.

^{1/} TCA 50-729, 730, 732.

The major purpose of MDTA is to provide vocational training in some skill for which there is a demonstrated demand. For those who are educationally handicapped, however, basic education may be provided preliminary to training. The seriously disadvantaged may be given concentrated assistance in special skill centers that combine counseling, education, and supportive services with multioccupational training.

As a rule, black youths benefit less from the program than do other participants. Institutional data show that black trainees in general are less successful in the program than whites, while those who are young have especially severe problems and usually find only very low paying jobs. Nevertheless, black youths are willing to participate in MDTA training programs because the experience offers them more chance to improve their absolute if not their relative position. According to surveys of participants, more Blacks than Whites feel the program offers them a real chance, even if the benefits of participation will be limited because of inequities in the marketplace.

In Riverside, California, several companies formed a Job Opportunities Council, which acts as their agent in hiring, identifying, and recruiting the unemployed. The Council is financed by the Manpower Development and Training Act, through on-the-job-training payments to member employers. The Council insures that future employees receive the training they need to meet special standards set by member companies. These companies have agreed to fill a certain percentage of their new jobs with disadvantaged individuals referred by the Council.

Summer Programs

Most employment programs for youth rightly focus on the 16- to 21-year-old age group. But during the summer special attention must be given to younger groups such as 15-year-olds, who constitute a large proportion of unemployed youth during school vacation. Their transition from elementary to high school causes anxiety and insecurity. With the lack of summer job opportunities they face the long hot summer with much free time and no money. This age group has a high incidence of juvenile arrests resulting from incidents ranging from petty pranks to serious crimes.

Part of this neglect stems from federal and state labor laws that usually exclude youth under 16 from many types of jobs. Most employers are not willing to hire these young untried workers even though this age group is most open to instruction in good work habits and attitudes. Such preparation for the world of work could also improve the likelihood that these youths will return to school rather than become dropouts.

Memphis and Shelby County jointly sponsor the Comprehensive Employment Training Act Program. The Summer Youth Program, also a Memphis and Shelby County program is designed to find summer jobs for young persons from the ages of 14 to 21.

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1. NAC Report on Community Crime Prevention, Chapter 5.

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CONTINUED

1 OF 2

12. GOAL: PROMOTE EXPANSION OF THE EDUCATION PROCESS IN HOME AND SCHOOL
TO THE END OF REDUCING CRIME

Introduction

Since deviant behavior is the result, in part, of learned socialization processes, the social environment, including the schools, can help to motivate either law-abiding or delinquent behavior.

A great failure of the American educational system is that it has not sufficiently separated its responsibility to provide learning conditions for the development of human beings from its concern with operating schools. It has not seen itself as part of a process providing differential experiences for people maturing into adults. As a consequence, it has found little need to look at itself as an instrument which would contribute to either the prevention or production of crime.

The conclusion of the National Advisory Commission is that we are doing very little in the schools as a direct, intentional effort to discourage young people from criminal careers. Moreover, there is the strong suggestion that some of the basic conditions of schools which we take for granted actually create the animosities, frustrations, and despair that lead people eventually to violence.

In the first place, the school system shows an almost absolute imperviousness to change. Schools have changed little in the past hundred years. Although changes in values, customs, life styles, technology, and knowledge have been extensive, schools seem unable to adapt to people's needs. This inability must be considered a major contribution to the frustrations that breed crime. Jerrold Zacharias' contention that "It is easier to put a man on the moon than to reform the public schools" is a tragic historical fact.

There is also a striking uniformity of the school experience from one end of the country to the other. Whether a student is a Navajo Indian in Window Rock, Arizona, or a miner's son in Shamokin, Pennsylvania, the hours he attends school, what he studies, how his teachers were trained, how his school is administered, and much more about his education will differ in no appreciable respect. The availability of uniform educational practice has been confused with equality of educational opportunity and thus entire cultures within the population have been disenfranchised.

Another problem is the prevailing attitude in the country--held by educators and lay citizens alike--that the only worthwhile education is one that culminates in a college degree. Eighty percent of our students are taught as if it were certain they would finish college, yet fewer than 20 percent do. Wasted money, discontent, and potential violence are generated by such massive disappointment.

12.1 Objective. It is very strongly recommended that by 1980 policies and procedures should be established to upgrade the educational process at the elementary and secondary levels.

Strategies

1. School authorities should assure that programs and policies controlling the training, hiring and retention of teachers and other school employees are based on realistic criteria measuring actual competence and success in their work.1/
2. By 1982, all elementary schools should guarantee functional literacy in English for all students before leaving grade six (except severely handicapped who should participate in special literacy programs).2/
3. School authorities should adopt policies and practices to insure that schools and classrooms reflect the best examples of justice and democracy in their organization and operation, and in the rules and regulations governing student conduct.

1/ TGA 49-1405, 1412.

2/ TGA 49-1901, 1902.

3/ TGA 49-108.

12.2 Objective. It is very strongly recommended that by 1980 schools provide supportive services--health, legal, placement counseling and guidance.^{1/}

1/ TCA 49-2709.

12.3 Objective. It is very strongly recommended that by 1980 schools develop programs that will assure that any student not wishing to continue his/her formal education will receive adequate training for a beginning level job by the age of 16 and for a higher level job if he/she graduates from high school.^{1/}

Strategies

1. Schools should provide alternative programs of education based on acknowledgement that a considerable number of students do not learn in ways or through experiences that are suitable for the majority of individuals.

1/ TCA 49-2701-2709.

12.4 Objective. By 1980 consideration should be given to recognizing that students considered errant or uneducable are the school's responsibility.^{1/}

1/ TCA 49-1309.

12.5 Objective. It is very strongly recommended that by 1980 educational authorities propose and adopt experimental and pilot projects to:

- a. Train parents to instruct children at home;
- b. Develop techniques and methods for using the home as a learning environment;
- c. Provide instructional materials for home use;^{1/}
- d. Expand programs to train and use parents as aides, assistants and tutors in regular school classrooms;
- e. Train teachers to effectively instruct disruptive children in the classroom;
- f. Develop innovative methods and programs to prevent and reduce delinquency by children who are recognized by teachers and others who work with young children as potential behavior problems.

1/ TGA 49-2912.

12.6 Objective. It is very strongly recommended that by 1978 school facilities be made available to the entire community as centers for human resource and adult education and recreation.^{1/}

Commentary

The Home as a Learning Environment

The human organism adopts permanent basic organizations of stimuli from the environment quite early in life. There is evidence of the fact that by the time children reach age 7, half the basic response strategies have been imprinted for life. Certainly by the time the child reaches the end of puberty, most of his habits of emotional response, patterns of thinking and problem-solving, and basic physical response patterns are virtually impervious to change, except under new and--depending upon the age level of the individual--fairly powerful environments.

When considering criminal tendencies, one must study the early years of life--the family, the home, the neighborhood, and the first grades of school. It is in this stage of life that people are influenced either to conform or to deviate from society's norms.

Differences in early childhood learning are caused by different home environments and are not overcome by normal schooling. This is one of the pathbreaking findings of the Coleman Report, confirmed by similar findings in England.

Fifty percent of the child's intelligence as measured at age 17 develops between conception and age 4.

Fifty percent of academic achievement that children will have attained at age 18 develops by the end of the third grade (age 9).

Thirty-three percent of the variability at adolescence of intellectual interest, emotional dependence, and aggression is predictable by age 2. At about age 5, as much as one-half of the variance at adolescence is predictable.

The language used by parents (content, form, and attitude) will seriously influence the child's understanding of rewards and punishment, the system of rules and controls he will encounter, his learning style, his sense of past and future, and even his ethics.

1/ TCA 49-215.

This research appears to indicate that the home and surrounding neighborhood are such powerful factors that the schools can make little impact on the deterrence or encouragement of any behavior. Indeed, the Jencks' study has shown that the school has far less impact in selected areas than most people suspected. The study asserts that "variations in what children learn in school depend largely on what they bring to school, not on variations in what schools offer them."

The problem that arises is, therefore, how to intervene in the early environment to redesign it. If by environment one means the family, peer, and neighborhood system, is there a right to intervene at all? At what point?

The schools are faced with a problem that is at once social, educational, political, and economic. Little that the schools do can be effective, and a great deal of what they do can be aborted if the home cannot be reconstituted to accommodate the school, or the school remade to acknowledge the preeminent influence of parents.

It is no comfort to realize that one is concerned with a relatively small segment of students. It is just this small segment that becomes involved in the majority of serious crimes. A greater knowledge and sensitivity in both home and school must be developed to enable them together to create techniques and methods for reinforcing each other in the common enterprise of guaranteeing positive growth for children.

The Use of Parents as Teachers

If this country sincerely hopes to effect change in the schools and to reduce crime, it must begin by buttressing the integrity of the family unit. The systematic training and paid employment of parents as teachers of their preschool and schoolage children has been successfully begun and deserves broader experimentation. Rick Heber, at the University of Wisconsin in Milwaukee, has apparently demonstrated that provision of continuous language training for ghetto children from birth to school age produces IQ score-gains of up to 40 points. We need to follow these results further to see if they hold true. If we can provide both the challenge and pay of interesting, useful jobs to previously unemployed or underemployed parents, we can at one stroke reduce poverty and enhance the political effectiveness of disadvantaged groups.

The key ingredient in the training of parents is language. Its effective and cognitive content, the situations in which it is applied, and the degree of simplicity or elaboration of its code determine a wide range of attitudes and abilities in the children. All parents need to be aware of these insights, but young parents with infants are the preferred target population.

The potential change-expectancy is much higher with this group, as their motivation is likely to be higher, and behaviors in the family routine have not had time to harden. The sooner a uniform approach to language based on these understandings becomes available to the child, the more promising the prognosis.

If possible, enrollees for participation should be drawn from within the boundaries of the neighborhood school district and facilities of the school used for the formal training sessions. The children of the parents can accompany them whenever there are practice sessions scheduled. Instructions should be heavily oriented toward practice; the basic principles underlying the content are few and easily grasped.

Translation into behavior is the most difficult aspect. Parents should use their own children as subjects for the practice units. Video tape, professional observation, and critical evaluation will be indispensable for success. Activities for practice should include a variety of settings--classroom, playroom, playground, park, library, etc. Paired mothers or larger groups of neighbors can work as teams during the week. Once a group of parents is trained, they should be engaged and paid to teach other parents in the neighborhood.

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1. NAC Report on Community Crime Prevention, Chapter 6.

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13. GOAL: USE RECREATION AS IN INTEGRAL PART OF AN INTERVENTION STRATEGY
AIMED AT PREVENTING DELINQUENCY

Introduction

Recreation can become a tremendous resource for those concerned with delinquency prevention. Their task will be to involve young people in interesting and relevant areas that prepare them to use their leisure time, in which more of the individual as an achieving person is brought out, even as he is doing what he wants to do.

For many delinquents, antisocial behavior is recreation. In these cases, opportunities must be made available that offer an alternative to delinquency by helping the individual to fulfill himself in rewarding as well as socially acceptable ways.

Whether recreation in itself can prevent crime and delinquency is open to debate. The President's Crime Commission Task Force on Juvenile Delinquency and Youth Crime surveyed a number of studies and concluded that "these studies neither demonstrated in any conclusive fashion that recreation prevented delinquency nor were they able to demonstrate conclusively that recreation was without value in delinquency prevention."

It went on to state: "It would appear that certain types of recreational opportunities may deter youngsters from delinquency, but this effect is largely dependent on the nature of the activity and cannot be attributed to recreation as an entity." In view of the inconclusive relationship between recreation and delinquency prevention, a strong evaluation component should be built into any recreation program that sets out to prevent crime.

13.1 Objective. It is very strongly recommended that by 1980 policies and procedures be developed and implemented for the use of recreation as a deterrent to delinquency.

Strategies

1. Special funding should be provided for communities to develop their own recreation programs with guidance from recreation advisors.1/
2. Maximum use should be made of existing facilities and, if adequate, other community agencies should be encouraged to provide facilities at minimal or no cost.2/
3. Decisionmaking, planning and organization for recreation services should be shared with those for whom the program is intended.
4. Recreation as a prevention strategy should provide job training, placement, education and other services.
5. Recreation leaders should have realistic points of view concerning goals of recreation and potential to prevent delinquency.
6. New means for dealing with disruptive behavior should be added to existing recreation programs so as not to exclude and label youths who exhibit disruptive behavior.3/
7. Recreation leaders should be required to learn preventive and constructive methods of dealing with disruptive behavior.
8. Recreation programs should be developed to serve the total youth community (with particular attention devoted to special needs arising from poor family relationships, school failure, limited opportunity and strong social pressures to participate in gang behavior).
9. Municipal recreation programs should assume responsibility for all youth in the community and utilize roving recreation workers to recruit youths who might not otherwise be reached and for whom recreation might provide a deterrent to delinquency.

1/ TCA 11-902-910.

2/ TCA 11-902.

3/ TCA 11-1105.

10. Individual needs as well as mass group programs should be considered in recreation planning.
11. Participants should be allowed to choose the type of recreation desired after being given proper orientation to various recreation activities.
12. Activities that involve risk-taking and excitement have particular appeal to youth and should be part of any program that involves young people.
13. Parents should be encouraged to participate in leisure activities with their children.
14. Counseling services should be made available (as part of the recreation program or on a referral basis) for youths who require additional attention.
15. Evaluation techniques should be implemented to determine whether youths are being diverted from delinquent acts.

Commentary

The recent White House Conference on Youth concluded that recreational activity can be an effective substitute for antisocial forms of behavior. The report of that conference stated:

"One of the most immediate needs of poor youth is in the recreational facilities in their own neighborhoods to give them 'something to do.'"

Involving young people in recreational program design is another promising avenue--a concept which found support in the White House Conference of the 1930's and 1940's as well as 1971.

Tying in the notion of youth involvement with recreation in a more direct manner, the 1971 White House Conference on Youth recommended that:

"... there be established in the appropriate Federal agency a national youth recreation program which would receive funds from Congress to fund youth-oriented recreation proposals from young people across the country.

There would only be two limitations on the type of project which this agency would fund: (a) that it would be a recreation project proposed by poor youth for their neighborhoods; and (b) that the programs should not compete with or duplicate existing private effort, unless that effort is not in fact serving poor youth."

The participation of youth in the planning, implementation, funding, and evaluation of projects that affect them may be as important as the eventual completed recreation project.

Although the Youth Services Bureau (YSB) is treated elsewhere in this report, several points should be noted here on the role of recreation in a YSB operation. One important purpose of the YSB is to encourage the development of new resources and the expansion of existing services for disadvantaged youth.

One means of accomplishing this is through the Recreation Committee, one of a number of citizen committees attached to the YSB board. The Recreation Committee concerns itself with community resources vital to the YSB program. It assesses recreational opportunities by inventorying resources and working with the Youth Action Committee. It enlists local leadership "in forming and strengthening recreation programs and in coordinating existing recreational services into a cooperatively planned unit with maximum involvement of youth at the decisionmaking level." The Recreation Committee develops cooperative relationships with city recreation departments, physical education departments of the public schools, and university or college recreation departments.

Organized youth leadership (e.g., Boy Scouts, YMCA, and Boys' Clubs) often is unavailable in slum areas. Public and private monies usually go for recreation programs that favor white middle class, nontroublesome youth:

"While youngsters from minority groups are not excluded, it is often clear that they are not wanted in recreation systems that fail to recruit leadership from disadvantaged areas. Conversely, whites who invade the ghetto to provide leadership in recreation or any other social services are likely to be resented by local residents."

In one community, the Youth Service Bureau held workshops on the need for a citywide recreation program planned on the basis of greatest need. The first workshop found that the inner city had no public recreation programs because the trained adult leadership had never worked solely with minority groups and was afraid to do so. A second workshop dealt with finding facilities and recreational equipment for the inner city area.

As a result of these workshops and other activities, a total recreation plan for the entire community was developed. Youth from all areas of the community participated in the decisionmaking. School facilities were opened during evenings, weekends, and vacations; group discussions and cultural activities for youth were held; and volunteers were recruited to make it possible to extend the recreational activities to all cultural and ethnic groups, particularly to those living in the most deprived areas.

The Comprehensive Youth Services system located in Memphis brings social service agencies of youth together in a collaborative effort, seeking to develop recreation and cultural enrichment programs within agencies to act as a deterrent to crime.

Sources

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14. GOAL: PROMOTE INVOLVEMENT OF RELIGIOUS COMMUNITY IN CRIME PREVENTION

Introduction

Religious organizations regularly respond to crises in our society. During a natural disaster churches, synagogues, and other religious groups may provide emergency funds and necessary facilities and equipment, or may enlist volunteers to meet the needs of stricken persons and institutions.

The term "crisis" can also be used to describe the nature and extent of crime in American society today. Like the crises created by natural disasters, the problem of crime calls for immediate, mobilized response by large segments of the community.

No one expects the religious community singlehandedly to assume the responsibility for crime prevention, but the spiritual centers of the nation can become part of a massive new effort to reduce and prevent crime. The challenge confronts the whole society, not just a part of it. The religious community is a significant part of that society, and has valuable resources to commit to a worthy effort.

According to the Yearbook of American Churches, there are more than 322,000 churches, synagogues, and temples in the United States, with inclusive memberships of more than 128 million persons, or over half the population of this country. The congregations of all faiths, which are included in these statistics, can effectively participate in crime prevention, and their involvement is desperately needed.

In its 1967 report, the Challenge of Crime in a Free Society, the President's Commission on Law Enforcement and Administration of Justice called for new involvement in the area of crime--not only by agencies of government at federal, state, county, and city levels, but by civic organizations, business groups, and religious institutions.

14.1 Objective. By 1980 consideration should be given to develop ways in which the religious community may actively participate in the process of crime prevention.

Strategies

1. The religious community should actively participate in and support operations of the local criminal justice system. Examples would be:
 - a. Assisting probation services;
 - b. Voluntary participation in programs designed to promote better police and community relations;
 - c. Periodic visits to correctional facilities.
2. The religious community should support and promote private and public efforts to recruit citizens for volunteer work in criminal justice programs.
3. Religious institutions should provide use of their buildings, facilities and equipment for community programs, especially those for children and youth.

Commentary

The religious community could undoubtedly list many other concerns that would reinforce the challenge to its institutions to become directly involved in crime prevention efforts. In responding to that challenge, this community has unique resources that it can dedicate to an effort against crime. In addition to its spiritual resources and moral influence, it has buildings in strategic locations; trained personnel with specific skills; organizations with competency in planning and action; and access to large numbers of volunteers. The religious community also has facilities and equipment for educational and recreational activities; relationships with community organizations and communications networks; and links with state, regional, and national associations.

Each religious community can take inventory of its resources for meeting the crime crisis. The President's Commission on Law Enforcement and Administration of Justice, in one of its task force reports, refers to a survey that includes a question about what can be done to reduce crime. The survey reached administrators and officials of public and quasi-public organizations in three cities. Some officials cited extensive rehabilitative measures, while others suggested greater reliance upon the police. Some of the best answers came when the officials specified what their own organizations might do to reduce crime.

The religious community can ask its congregations across the nation what they can do to reduce crime, and more specifically, what individual members can do. Such questions can stimulate a flow of ideas and a reassessment of the resources available in the crime prevention effort.

If religious people are to become involved in crime prevention, they must understand the crime problem. Crime is a social problem and the concern of the entire community. The law enforcement effort is limited to those factors within its control; such social problems as unemployment, discrimination, poverty, illiteracy, and poor housing are not within the control of law enforcement and must be solved within the community.

There are key education services that the religious community can provide to involve its members in crime prevention efforts. One is an attempt to promote acceptance of the citizenry of needed criminal justice reforms. This may mean, for example, urging individuals to accept a halfway house or drug treatment center in their neighborhood. The religious community can also inform members of programs designed to alleviate the social conditions linked to crime.

Religious organizations can help their members consider crime in the larger context, so that each person looks as scrupulously at his own daily conduct as he looks suspiciously upon those stereotyped as criminally inclined. Informed religious activists should be aware of the double standard for white collar and lower income or street crimes. They also could support the view that a stable society depends upon respect for law and justice by all citizens, whatever their economic or social level.

Congregations could utilize their buildings, facilities, and equipment for community programs, especially those for children and youth. The facilities of many religious institutions stand idle or are used minimally, while there are clear opportunities for their use in responsible and effective community action--as child care centers, for drug rehabilitation programs, and as facilities for use by community organizations.

Hundreds of projects and programs have been developed with funds and volunteers from the religious community. Inventories of these programs are now being made by many churches and religious agencies. More careful surveys are needed for workable ideas, and effective programs should be publicized in order to encourage congregations and religious organizations to become directly involved in crime prevention and the criminal justice system.

The Department of Social Justice of the National Council of Churches has published a first edition of its "Directory Towards Criminal Justice." This booklet is a first step toward identifying some of the agencies in

the religious community that work in the area of criminal justice and crime prevention. It could be used to gather additional information about the projects sponsored by the religious community across the country, and could encourage thousands of new involvements.

Source

1. NAC Report on Community Crime Prevention, Chapter 8.

References

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15. GOAL: DEINSTITUTIONALIZE STATUS OFFENDERS

Introduction

Many juveniles are under commitment to the Tennessee Department of Correction for offenses that are applicable only to children; truancy, runaway, etc. Such committed juveniles are referred to as status offenders. Forth-five percent of all juveniles committed to the Department of Correction were status offenders according to the Annual Report of the Department of Correction for 1973-1974.

All too often parental neglect or lack of proper parental supervision influences a child to behavior coming within the attention and jurisdiction of the juvenile court. Status offenders often become delinquents.

The law in Tennessee is that a child cannot be committed to the Department of Correction for unruly behavior (status offense) unless the child is not amenable to treatment or rehabilitation made in the original disposition for the offense. 1/ Juveniles who are committed to the Department of Correction as unruly children are placed in the same institutions that house delinquents. Chances for successful rehabilitation of an unruly child are endangered by the exposure of a status offender to hard core delinquents, which results when all committed juveniles regardless of offense subject only to age and sex breakdown, are placed in the same institutions.

The Juvenile Justice and Delinquency Prevention Act of 1974 (Pl 93-415) provides that for a state to be eligible for funds under this act, by 1977 status offenders must not be institutionalized.

1/ TGA 37-232.

15.1 Objective. By 1977, each correctional agency administering state institutions for juveniles must adopt a policy of not building new institutions for juveniles until community resources have been developed that would deinstitutionalize status offenders.

Commentary

Appearing elsewhere in this report is Objective 6.4 which contains the Tennessee Law Enforcement Planning Commission's recommendation that by 1976 legislation be enacted that would prohibit assignment of non-delinquent juveniles to institutions for delinquents.

Source

1. Task Force Recommendation.

END

7 files/more