

Interim Report of the
Advisory Committee
to the Administrator
on Standards for
the Administration
of Juvenile Justice March 31, 1976

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U. S. Department of Justice
Law Enforcement Assistance Administration
National Institute for Juvenile
Justice and Delinquency Prevention

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ACQUISITION

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the Administrator on
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Juvenile Justice

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U. S. Department of Justice
Law Enforcement Assistance Administration
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The opinions, recommendations, and determinations contained herein are those of the Advisory Committee to the Administrator on Standards for the Administration of Juvenile Justice and do not necessarily represent the official position or policies of the U. S. Department of Justice.

To the President and to the Congress of the United States

I have the honor of transmitting herewith the Interim Report of the Advisory Committee to the Administrator on Standards for the Administration of Juvenile Justice.


This Interim Report was prepared in accordance with the schedule contained in the Standards Committee's initial report, submitted pursuant to the provisions of Section 247 of the Juvenile Justice and Delinquency Prevention Act of 1974 (Public Law 93-415)(JJDP Act), on September 6, 1975.

The JJDP Act established a major new Federal initiative to combat juvenile delinquency and to improve juvenile justice. The Law Enforcement Assistance Administration was given responsibility for administering these programs, and a new Office of Juvenile Justice and Delinquency Prevention and National Institute for Juvenile Justice and Delinquency Prevention were created within LEAA. The JJDP Act also established a National Advisory Committee on Juvenile Justice and Delinquency Prevention and directed the Chairman of that Committee to designate five members to serve as the Advisory Committee to the Administrator on Standards for the Administration of Juvenile Justice.

This Interim Report reviews the Standards Committee's mandate and outlines the efforts of the past seven months to achieve the tasks assigned to it by the Act. Specifically, the Interim Report describes the progress which has been made by the Standards Committee in coordinating with other juvenile justice standards programs, developing standards in a number of areas, and designing a general standards implementation strategy.

The formulation of standards to serve as a target and guide for State and local jurisdictions is a significant part of LEAA's efforts to strengthen and improve law enforcement and criminal justice. In few areas can such standards play a more vital role than in the development of a more effective and equitable juvenile justice system.

Respectfully submitted,



Richard W. Velde
Administrator

March 31, 1976

INTERIM REPORT OF
THE ADVISORY COMMITTEE
TO THE ADMINISTRATOR
ON STANDARDS FOR THE
ADMINISTRATION OF
JUVENILE JUSTICE

The Advisory Committee to the Administrator on Standards for the Administration of Juvenile Justice was established by Section 208(e) of the Juvenile Justice and Delinquency Prevention Act of 1974 (Public Law No. 93-415)(JJDP Act) as a subdivision of the National Advisory Committee on Juvenile Justice and Delinquency Prevention (NACJJDP). Section 247 of the JJDP Act directs the Standards Committee to supervise the review of "existing reports, data, and standards relating to the juvenile justice system" and to recommend standards for the administration of juvenile justice at the Federal, State, and local level together with:

- (1) ...Federal action, including but not limited to administrative and legislative action required to facilitate the adoption of these standards throughout the United States; and
- (2) ...State and local action to facilitate the adoption of these standards for juvenile justice at the State and local level.

A report was required to be submitted one year after the Act's

signing. That report, dated September 6, 1975, presented the Standards Committee's initial recommendations and discussed: (1) the purpose of the standards to be recommended; (2) their relationship to other sets of juvenile justice standards; (3) the range of possible implementation strategies; and (4) the process to be used in developing the standards and implementation recommendations. In addition, the report included a tentative outline of the topics to be addressed, a preliminary schedule of Standards Committee meetings, as well as a brief summary of existing standards and of the status of other standards efforts. It stated further that during March 1976, an interim report would be submitted describing the progress the Standards Committee has made toward meeting its objectives.

In accordance with that commitment, this interim report describes the Standards Committee's activities and progress in three areas:

- ° Coordination with other juvenile justice standards programs;
- ° Review and approval of standards; and
- ° Development of a general implementation strategy.

Coordination with other juvenile justice standards programs. The initial report of the Standards Committee described the range of State and national efforts to develop standards, guidelines, and models for juvenile justice and delinquency prevention, noting

specifically the work of the Institute of Judicial Administration/American Bar Association Joint Commission on Juvenile Justice Standards, the Task Force to Develop Standards and Goals for Juvenile Justice and Delinquency Prevention, and the various State standards and goals programs being supported by LEAA. The report set forth the Committee's intent to avoid duplication by endorsing, whenever possible, selected standards developed by the other efforts rather than formulating a wholly new set of prescriptions.

To accomplish this purpose, copies of the Standards Committee's report were sent to each State, each State criminal justice standards and goals program, and more than twenty national, State, and local organizations concerned with the problems of children. This has led to a continuing exchange of information.

In addition, the National Institute for Juvenile Justice and Delinquency Prevention (NIJJDP), which provides staff work for the Standards Committee, has monitored closely the work of the IJA/ABA Joint Commission and the Task Force to Develop Standards and Goals for Juvenile Justice and Delinquency Prevention. Its Standards Program staff has also met with personnel from other Federal agencies and professional organizations engaged in developing standards in a number of substantive areas.

As a result of this coordination effort, the Standards Committee receives, prior to each meeting, a comparative analysis of the various positions taken on each issue to be addressed, together with a draft standard. On issues of particular concern, such as the breadth of court jurisdiction over status offenses, speakers from groups holding opposing views are invited to participate in committee discussions. To further assure that the standards to be recommended have received consideration from a wide range of perspectives, the NACJJDP has established procedures under which its broadly-based membership reviews and comments on standards approved by the Standards Committee. These coordination efforts will continue throughout the standards-development process.

Review and approval of standards. Since submitting its September 6 report, the Standards Committee has concentrated on standards concerning the basic issues that define the structure, focus, and limits of the juvenile justice system. The fundamental nature of these questions, and the conflicting positions of other standards-setting groups concerning them, required extensive individual consideration and group discussion to resolve.

In its October meeting, the Standards Committee discussed draft standards concerning the circumstances in which it is appropriate for society to intervene, in some manner, in the life of a child and the proper scope of

jurisdiction for the court responsible for matters involving children. At its next meeting, the Committee considered questions concerning court organization, judicial tenure and selection, and additional jurisdictional issues including the degree to which jurisdiction over delinquent conduct should be retained by the Federal courts. Standards concerning the provision of counsel to juveniles and their parents, the role of counsel in proceedings involving juveniles, and the circumstances in which juveniles may waive their right to counsel were discussed at the Standards Committee's meetings in late January as well as alternative views on the causes of delinquency and their policy implications for delinquency prevention. The March meeting focused on whether status offenses such as failure to attend school and failure to obey the lawful and reasonable demands of a parent should be cognizable in court, what specific conduct must be alleged and pre-conditions met before such jurisdiction may be invoked, and the limits which should be placed on the court dispositional authority in those cases. In addition, the Committee discussed standards concerning intake procedures, the organization of intake units, and the presence and role of counsel for the State in proceedings involving juveniles.

To date, 32 standards have been submitted to the Standards Committee for consideration. During the spring and summer the Committee will consider approximately 20 additional standards concerning plea-bargaining, the re-hearing, hearing, and appellate procedures to be used in delinquency

proceedings and other matters involving juveniles, the range of dispositional alternatives that should be available, and the structure of dispositional decision-making. Thus, it is anticipated that the report of the Standards Committee scheduled for submission to the President and Congress by September 30, 1976, will contain standards, commentary, and recommendations covering almost all the topics listed under Chapter 3, "The Adjudication Function" in the tentative topical outline appended to this report as well as related topics in other chapters.

Work on the remaining topics is expected to proceed more quickly, since positions on many of the basic more complex issues have now been determined and a larger staff will be available to assist the Committee's efforts. In addition, by June, both the IJA/ABA Joint Commission on Juvenile Justice Standards and the Task Force to Develop Standards and Goals on Juvenile Justice and Delinquency Prevention will have completed development of their standards. While some editorial work will remain, and in the case of the Joint Commission, the standards will be published only in tentative form pending approval by the American Bar Association House of Delegates, the Standards Committee will be able to examine and compare the work of both these major national standards efforts simultaneously, rather than having to wait for one or the other to address a particular topic or to operate on the basis of partial preliminary drafts.

The Standards Committee realizes the importance of presenting its recommendations as quickly as possible but understands, in addition, that because of the potential impact of those recommendations, careful consideration must be given to each. Accordingly, the Committee will continue to review the tentative outline to insure that attention is not diverted to matters of secondary significance and remains hopeful that, as projected in its initial report, the standards development phase of its activities will be substantially completed by March, 1977.

Development of a general implementation strategy. In its September 6 report, the Standards Committee listed several mechanisms that could be used in facilitating the adoption of the standards to be recommended. Before formulating a general implementation strategy and specific implementation recommendations, the Standards Committee examined the advantages and disadvantages of the various mechanisms that could be used in facilitating the adoption of the standards at the State and local level. Based on this review, the Committee concluded that past implementation efforts have proven less effective than anticipated when attempting to prescribe a sweeping set of Federal standards in areas such as juvenile justice which: (1) are primarily the responsibility of State and local governments, (2) are subject to major disagreements over methods and goals, and (3) lack reliable means for measuring the impact of imposed changes. These factors, together with the cost of attempting to enforce compliance with comprehensive standards, suggest that the standards should not be made

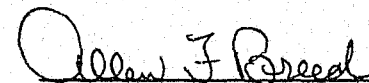
mandatory. Alternative means of facilitating the adoption of the recommended standards include the selection by each State of priority implementation areas based on an assessment of the standards in terms of its own needs, problems and experience and incorporation of these priorities into the juvenile justice planning process required to obtain Federal funds; the development of accreditation programs by relevant national and professional organizations to amplify the general principles contained in the recommended standards and identify areas of need; and the provision of financial support by the Federal government for the development of model legislation, for continued evaluation and research, and for the dissemination of information about the costs and benefits of the standards and techniques for implementing them.


The Standards Committee will devote substantial additional time and thought to the refinement of these initial implementation ideas and the formulation of the detailed implementation recommendations which will accompany each set of standards.

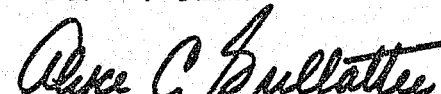
Conclusion. The Standards Committee will meet at least three times during the spring and summer of 1976 to finalize those standards already approved, discuss draft standards on additional topics, and prepare its September, 1976 report. As noted earlier, these efforts will be closely coordinated with the NACJJDP and the other standards-setting efforts.

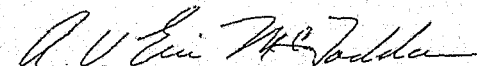
The Standards Committee remains cognizant of the high expectations underlying its mandate and reiterates its belief that, with sustained support from the Congress, the President, LEAA and other agencies, the seriousness of the problem confronting the juvenile justice and delinquency prevention systems can be diminished.

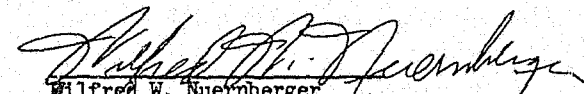
Respectfully submitted:


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Chairperson

APPENDIX

TENTATIVE OUTLINE OF TOPICS TO BE CONSIDERED BY THE ADVISORY COMMITTEE TO THE ADMINISTRATOR ON STANDARDS FOR THE ADMINISTRATION OF JUVENILE JUSTICE

The following outline is included to provide an indication of the range of topics which the Standards Committee will be considering. It does not constitute an index of the standards to be recommended nor is it intended to indicate the Committee's conclusions on any issue. The outline has been modified a number of times since the Standards Committee began its work, and will undoubtedly be revised again. Such changes are inevitable as the Committee focuses its attention on individual topical and functional areas. Hence, standards may not be developed on each of the topics listed, and additional items may be added. However, the Tentative Outline does reflect the intent of the Standards Committee to consider the full-range of interrelated criminal justice, treatment, educational, health and social service activities affecting youth, and to organize the standards so that groups and agencies performing similar functions will be governed by the same set of principles.

1. Prevention Function

1.1 Strategies to reduce the incidence of youth crime

1.11 Identification of high-delinquency areas

1.12 Measures for deflecting and/or preventing youth crime

1.121 For the individual

1.122 For business

1.123 For government

1.2 Strategies to encourage law-abiding conduct

1.21 Educational

1.22 Employment

1.23 Social

1.24 Health

1.25 Community

1.26 Recreational

1.3 Coordination of prevention efforts

2. The Intercession Function

2.1 The circumstances in which the JJDP system should intercede in the life of a juvenile

2.11 Commission of a criminal act

2.12 Non-criminal misbehavior

2.13 Dependency, neglect, and abuse situations

2.2 The role of the police

2.21 With regard to criminal acts by juveniles

2.22 With regard to non-criminal misbehavior by juveniles

2.23 With regard to juveniles

2.231 Who have been the victim of a criminal act

2.232 Who have been neglected or abused

2.3 Organization of police relating to juveniles

2.31 Separate juvenile bureau

2.32 Personnel

2.321 Duties

2.322 Qualifications

2.323 Staffing patterns

2.4 Non-custodial procedures after intercession

2.41 On the spot counseling

2.42 Voluntary transportation to residence

2.5 Custodial procedures after intercession

2.51 Referral to the courts

2.511 Citation

2.512 Arrest

2.52 Referral to service agencies

2.53 Return to school

2.54 Involuntary return home

2.6 Rights of juveniles upon intercession

3. Adjudication Function

3.1 The courts

3.11 Jurisdiction

- 3.111 Delinquency
- 3.112 Non-criminal behavior
- 3.113 Neglect, and abuse
- 3.114 Maximum and minimum age
- 3.115 Transfer of jurisdiction - Delinquency
- 3.116 Transfer of jurisdiction - Intra-family
offenses, contributing to the delinquency of
a minor
- 3.117 Venue

3.12 Organization

- 3.121 Relationship to other local courts
- 3.122 Tenure of family court judges
- 3.123 Judicial qualifications and selection
- 3.124 Use of quasi-judicial personnel
- 3.125 Employment of a court administrator

3.13 Representation by counsel

- 3.131 For the State
- 3.132 For the child
- 3.133 For the parent
- 3.134 Role of counsel
- 3.135 Waiver of counsel

3.14 Intake

- 3.141 Organization of intake units
- 3.142 Review of complaints
- 3.143 Criteria for intake decisions
- 3.144 Intake investigation
- 3.145 Notice of decision

3.15 Detention

- 3.151 Criteria for detention
- 3.152 Detention hearing
- 3.153 Review of detention decisions

3.16 Pre-hearing procedures

- 3.161 Decision to file a petition
- 3.162 Motion practice
- 3.163 Appointment and role of a guardian ad litem
- 3.164 Discovery
- 3.165 Plea bargaining

3.17 Hearing procedures

- 3.171 Closed hearing
- 3.172 Finder of fact
- 3.173 Presentation of evidence
- 3.174 Standard of proof

3.18 Dispositional alternatives and procedures

- 3.181 Duration of disposition
- 3.182 Type of sanction
- 3.183 Criteria for dispositional decisions

- 3.184 Information base
 - 3.185 Review and modification of dispositional decisions
 - 3.19 Review procedures
 - 3.191 Appeals
 - 3.192 Other post-conviction remedies
- 3.2 Other adjudication bodies
 - 3.21 Definition
 - 3.211 In correctional programs
 - 3.212 In the schools
 - 3.213 In social service agencies
 - 3.22 Powers
 - 3.23 Procedures
 - 3.24 Representation by Counsel
 - 3.241 For the State
 - 3.242 For the child
 - 3.243 For the parent
- 4. Supervisory Function
 - 4.1 Custodial programs
 - 4.11 Definitions
 - 4.111 Training school
 - 4.112 Detention facility
 - 4.113 Group home
 - 4.114 Halfway house
 - 4.115 Foster home

- 4.116 Shelter care facility
- 4.12 Personnel
 - 4.121 Duties
 - 4.122 Qualifications
 - 4.123 Staffing patterns
- 4.13 Physical conditions and facilities
- 4.14 Services available
 - 4.141 Educational
 - 4.142 Social services
 - 4.143 Health services
 - 4.144 Vocational
 - 4.145 Recreational
- 4.15 Disciplinary alternatives
 - 4.151 Corporal punishment
 - 4.152 Loss of privileges
 - 4.153 Transfer to more secure facility
 - 4.154 Referral to court
- 4.16 Transfer to non-custodial or termination of supervision
- 4.2 Non-custodial programs
 - 4.21 Definitions
 - 4.211 Probation
 - 4.212 Parole
 - 4.213 Diversion
 - 4.22 Personnel

- 4.221 Duties
- 4.222 Qualifications
- 4.223 Staffing pattern
- 4.23 Services available
 - 4.231 Educational services
 - 4.232 Social services
 - 4.233 Health services
 - 4.234 Vocational services
- 4.24 Disciplinary measures available
 - 4.241 Reduction of privileges
 - 4.242 Transfer to custodial supervision
- 4.3 Rights of juveniles under supervision
- 4.4 Coordination of supervisory programs
- 5. Services
 - 5.1 Ability of child to obtain services
 - 5.2 Health/mental health services
 - 5.21 Availability of preventive and diagnostic facilities
 - 5.211 In the community
 - 5.212 In the schools
 - 5.213 In custodial facilities
 - 5.22 Availability of drug/alcohol treatment and education facilities
 - 5.221 In the community
 - 5.222 In the schools

- 5.223 In custodial facilities
- 5.23 Availability of child abuse treatment and corrective facilities
- 5.24 Availability of birth control information centers
- 5.3 Social services
 - 5.31 Availability of individual and family counseling facilities
 - 5.32 Responsibility
 - 5.321 To the child
 - 5.322 To the family
 - 5.323 To the court
 - 5.33 Availability of employment counseling and training facilities
- 5.4 Personnel
 - 5.41 Qualifications
 - 5.42 Staff level
- 5.5 Availability of facilities for children with special mental, emotional and physical needs
- 6. Educational Function
 - 6.1 Relationship of schools to delinquency prevention activities
 - 6.2 Responsibility of the schools
 - 6.21 Toward children with special needs
 - 6.22 Toward children involved with the juvenile justice system

6.3 Education in training schools

6.31 Emphasis

6.32 Special problems

6.33 Level of compulsion

6.4 Regulation of student conduct by school authorities

6.5 Truancy related problems

7. Administrative Function

7.1 Responsibility

7.11 Of Federal government

7.111 Delinquency jurisdiction of the Federal courts

7.112 Operation of correctional programs for juveniles

7.12 Of State government

7.13 Of local government

7.2 Coordination of programs and agencies

7.3 Planning

7.4 Research and evaluation

7.5 Training

7.51 Of police

7.52 Of judges

7.53 Of attorneys representing juveniles

7.54 Of supervisory personnel

7.55 Of services personnel

7.56 Of educational personnel

7.57 Initial and continuing

7.6 Records pertaining to juveniles

7.61 Records required

7.62 Accuracy and currency of records

7.63 Access and transfer

7.64 Retention of records

7.641 Coding

7.642 Sealing

7.643 Expungement

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