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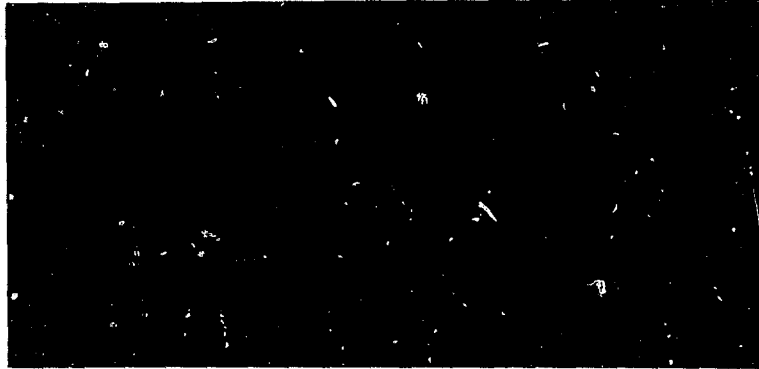
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PERSONNEL AND FACILITIES STUDY  
OF THE JUVENILE DEPARTMENT  
SUPERIOR COURT OF WASHINGTON,  
COWLITZ COUNTY

November 1975

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MAR 8 1977

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## INTRODUCTION

This report is a result of a technical assistance request from the Juvenile Department, Cowlitz County Superior Court, Washington State. A new county Hall of Justice will open in late 1975, making space available in the basement of the Youth Services Center, a few blocks away, for expansion of the Juvenile Department. This Center houses the Juvenile Court, probation office and detention facility. Mr. Richard R. Morgan, Director of Juvenile Court Services, viewed this as an opportunity not only to plan for use of the basement space being made available, but for a more thorough look at the personnel and programs of the Juvenile Department.

Cowlitz County, a county adjoining the Columbia River in the southwestern part of Washington State, near Portland, Oregon, has a population of some 70,00, of which about 39,400 reside in the metropolitan Longview-Kelso area. The Juvenile Department, under the supervision of the two judges of the Juvenile Court Division of the Superior Court, is responsible for case intake, detention, preparation of pre-disposition reports, and supervision of juveniles placed on probation. In 1974, exclusive of traffic offenses, 2,144 children were referred to this court, of which 1,158 were boys accused of delinquency, 247 were girls accused of delinquency, 329 boys alleged to be dependent (which includes status offenses such as incorrigibility and truancy), and 390 allegedly dependent girls. The majority of the cases are informally "adjusted" (1,471), while 156 children were placed on informal probation, 509 on formal probation, 773 referred to a detention facility,



and 26 sent to a receiving home.

On any given day there may be nine children in the detention facility awaiting release to their parents or disposition of their case, with the average stay being some three days.

The courtroom for the Juvenile Division, Cowlitz County Superior Court, the detention facility and the Juvenile Department staff facilities are housed together in the Cowlitz County Youth Services Center, a free-standing building a few blocks from the new Hall of Justice.

Mr. Morgan, the Director of Juvenile Court Services, is assisted by five Probation Officers, four full-time and two part-time houseparents for the detention facility, two secretaries and a court clerk. One of the Probation Officers is assigned to the intake function. Another, whose salary is reimbursed under Washington's Probation Subsidy Program, provides intensive supervision of probationers who would otherwise be sent to a state institution. The remaining three have "normal" probation caseload responsibilities.

On August 14th and 15th, 1975, a technical assistance team of Mr. Lawrence Siegel and Mr. Rex C. Smith visited the Cowlitz County Youth Service Center. Their goals were to :

- o Conduct a full analysis of the operation of the Juvenile Department,
- o Compare the philosophy, goals and objectives of the Juvenile Department to trends in legislation and practice on the State and Federal levels,
- o Examine the functional interdependencies of the staff of the Division in order to devise space plans which promote efficient operation,

and

- o Project social, population and economic trends in order to predict the future space and personnel needs of the Juvenile Department.

Mr. Smith, Deputy Director of Maryland's Department of Juvenile Services, was concerned primarily with present personnel utilization. Mr. Lawrence Siegel, a New York-based criminal justice facility planning and programming consultant, looked primarily at facility needs. Both sought to remedy existing problems and project short-term future needs.

The site-visit included inspections of the Juvenile Center, County Courthouse and Jail, and Hall of Justice, still under construction. Interviews were conducted with court and county personnel concerned with juvenile services. The sections of this report discussing personnel and program needs relies on discussions with the following:

Hon. Alan Hallowell, Judge, Superior Court, Cowlitz County  
Richard R. Morgan, Director, Juvenile Court Services  
Ed DeVries, Regional Planner for Cowlitz County  
Elizabeth Leathers, Probation Officer  
Ronald Schauer, Probation Officer  
Glenn C. Bush, Probation Officer  
James D. Poulos, Probation Officer  
C. Mel Jewell, Probation Officer  
Mary King, Secretary  
Lavonne Kenneway, Secretary  
Beverly Peterson, Secretary  
Pearl Maki, Lead Houseparent  
Grace Stanford, Houseparent

The facilities assessment involved discussions with the following:

Hon. Alan Hallowell, Judge, Superior Court, Cowlitz County  
Richard R. Morgan, Director, Juvenile Court Services  
Robert Parker, Purchasing Agent and Manager of County Property  
Lou Schrader, Assistant to Mr. Parker  
Ed DeVries, Regional Planner for Cowlitz County  
John Crook, Architect, Newhall, Crook & Associates  
(successor firm to architects of Juvenile Center)

Special appreciation is due Mr. Richard R. Morgan, Director of Juvenile Court Services, for placing the entire court staff at the team's disposal for interviews and discussions and expediting every aspect of the project. His personal courtesy and professional accuracy were invaluable to the success of the study. In addition, his perceptive analysis of the problems of Juvenile Court contributed strongly to many of the recommendations made in this report.

The next section of this report will discuss the possible expansion of the Youth Service Center facilities. It concludes that expansion or relocation of the facility is not required, given a levelling of population growth, a declining number of school-aged children, and a trend, encouraged by state and federal guidelines and case law, away from detention of status offenders (e.g. "incorrigibles" and truants) and dependent children.

Section Two of this report urges enrichment of the detention program, through such measures as an addition of a Deputy Director for detention services, aggressive efforts to develop "Mom and Pop" foster homes and similar alternatives to detention of status offenders and dependent children, a clear delineation of the houseparents' "parential" duties, addition of houseparents, addition of a dietary staff, contracting for janitorial and maintenance services, retention of a coordinator of volunteers to develop recreational, educational and cultural programs for the detainees, and provision of space for recreational and counselling programs and services.

The third section addresses the non-detention aspects of the Juvenile Division. It lauds the trend toward a specialized intake function, and

recommends an additional officer and secretarial help for this vital function. It suggests a reorganization of office supervision -- with the addition of a Deputy for detention programs, the present Director will be able to devote more time to planning, management, aggressive program development, and supervision. An additional probation officer is seen as needed. A clearer division of labor between the members of the secretarial/clerical staff is recommended, as is an additional secretarial/clerical position. Consolidation of record-keeping areas and expansion of the space available for the secretarial/clerical functions is urged.

The fourth and last section discusses the space needs of the Juvenile Division. It points out that construction of a freeway off-ramp across a portion of the Youth Services Center grounds will not necessitate relocation of the facility, and reiterates that population trends do not indicate that expansion is required. Suggestions, keyed to numbers in the attached drawings, include conversion of the front porch area into a public waiting space and expansion of the secretarial/clerical space on the first floor. Further numbered suggestions involve use of the basement for large multi-purpose rooms, individual interview rooms, a volunteer coordinator's office and other purposes compatible with an enrichment of the detention program.

The consulting team wishes to state at the outset its conclusion that, overall, the professional capability and morale of the Juvenile Division staff are high. The programs are sound. The thrust of these recommendations, then, is to expand the range of services given by this agency, rather than to improve the quality of the existing services.

## SECTION ONE: THE NEED FOR ADDITIONAL FACILITIES

One of the primary concerns of the Juvenile Division is whether or not additional facilities, in particular, additional bed-space for detention, will be required in the near future. Our conclusion is that they will not. The school-age population and average family size are declining. The number of "status" offenders in detention should decline, if the recommendations in this section and Section Two of this report are implemented. The proposed space reallocations in Section Four of this report should meet the space requirements dictated by the program recommendations in Sections Two and Three of this report. The discussion of exterior modifications in Section Four of this report indicates that the proposed freeway off-ramp crossing the Youth Services Center grounds will not force relocation of this facility.

### A. POPULATION PROJECTIONS

Examination of the populations statistics for Washington State and Cowlitz County reveals trends which, if they continue, mitigate against expansion or relocation of the Youth Service Center. The population figures are extracted from the 1974 edition of Population Trends; a publication of the Population Studies Division, Office of Program Planning and Fiscal Management, State of Washington.

According to this publication, the population of the State of Washington has been declining since 1955. Of particular importance in projecting the future detention needs of the Juvenile Division are two additional statistics, trends in the population of school-aged children and trends

in family size. School-age population has been declining in the State since 1969. The number of children in grades nine to twelve has been increasing slightly, but the number of children in the lower grades has been declining at a faster rate. Births in the State numbered 60,449 in 1969, but by 1974 this figure had declined in 47,700. The State projects that, in all but two counties, the population decline should continue. Interestingly this publication cites Cowlitz County as an example in explaining and projecting a decrease in family size. At pp. 52-3, this report states that household size in Cowlitz County is down 6.4%, and in the Longview-Kelso urban area household size has declined 7.1%

The Population Trends report also projects migratory population movements, and concludes that this factor will also contribute to a population decline.

Of course, future events could alter these population trends. For example, industrial growth in this county could lead to a population growth and changes in the nature of the population. But industries have relocated into the county during the period in which the population declined, and we are aware of no present plans for industrial expansion of sufficient magnitude to warrant alteration of the population projections. And, it is safe to assume that the Washington State Population Studies Division took this factor into account in projecting a population decline for this region.

These factors, to our mind, suggest that there should be an overall decline in juvenile court activity during the coming years.

#### B. DETENTION OF STATUS OFFENDERS

One major concern of the Juvenile Division is the present and future

adequacy of the detention facility: will there be enough bed space?

The first part of this section argues that, in light of the declining population, the present space should be adequate. This portion of the report advances the thesis that steps should be taken to reduce the number of "status" offenders in detention. Taking these measures to restrict the use of detention should help insure that the present detention facility is adequate for future needs.

A few facts about the use of the present detention facility should help to put this problem in perspective. Juvenile Division statistics indicate that nearly 50% of the juveniles coming into contact with the juvenile court spend some time in detention. Most youth arrested are taken directly to the Youth Service Center, and the great majority are released to their parents' or guardians' care within a few hours. But who remains? In 1974, there were 2,172 referrals to juvenile court, of whom almost half, or 1,043 were detained. Of 1,455 youth referred for delinquent acts, 347, or 23.8%, were detained. Of 496 allegedly dependent children (including 496 individual status offenders),<sup>1</sup> 392, or 79% were detained. We estimate that, of the sixteen bed rooms available, an average of nine are used for "status" offenders. The potential for overcrowding is seen as greater in the girls' detention facility. But, at any time, some 80% to 90% of the girls being detained are likely to be in detention for "status" offenses. The average detention stay is three days. It is clear that the detention population is what it is, not because the children are

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<sup>1</sup> Under Washington law, the term "dependent" includes "status" offenses [called Children-in-Need-of-Supervision, CINS, or PINS in many states] and such traditional dependency allegations as "no parent or responsible adult in the home" and willful neglect of medical care. RCWA 13.04.010.

seen as a danger to the community, but simply because there is nowhere else to send them.

The "status" offenders are involved in such charges as hitch-hiking, curfew violations, truancy, "ungovernability", and the like. A number are runaways, lost children, children having difficulty living in their parents' homes, or children who have no parental home. These are not the "serious" cases in the juvenile court system. But they are the cases which present the detention staff with its most difficult problems.

We should stress that the high number of "status" offenders in detention is not necessarily a reflection of a conscious policy decision to detain status offenders. It is also an unintended result, which arose because there is simply nothing else to do with these children. We remarked earlier that the staff is a highly-motivated group of professionals, running a sound program. Just under 50% of all children brought before the court are held in detention, and the average detention stay is three days. The President's Crime Commission reported, "A study for the Commission found, however, that in 1965 two-thirds of all juveniles apprehended were admitted to detention facilities and held there an average of twelve days at a total cost of more than \$53 million."<sup>2</sup> This situation, nationally, has improved somewhat. In 1971, an estimated 1,125,000 delinquency and "status offense" cases reached disposition.<sup>3</sup> In fiscal 1971, a roughly-comparable period, there were 494,286 admissions to detention facilities.<sup>4</sup> From this it can

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<sup>2</sup> President's Commission on Law Enforcement and Administration of Justice, The Challenge of Crime in a Free Society. (Washington, D.C.: U.S. Government Printing Office, 1967.) p. 87.

<sup>3</sup> U.S. Law Enforcement Assistance Administration, National Criminal Justice Information and Statistics Service, Sourcebook of Criminal Justice



be projected -- hesitatingly -- that of all children appearing in court on delinquency or "status offense" charges, some 43.9% spent some time in juvenile detention.<sup>5</sup> Also, in 1971, appallingly high number of children -- some 100,000 -- spent at least a day in an adult jail or police lock-up facility.<sup>6</sup>

It appears, then, that the detention figures for Cowlitz County compare favorable to the national trends. But what should the detention rate be? We cannot advance an elaborate rationale for the figure we propose, but we feel that a detention rate equal to about 10% of the rate of delinquency case filings (excluding "status" offenses) would be appropriate for Cowlitz County. This would mean that only about 120-140 children should be detained in a given year.

Sound reason exists for exploring alternatives to detention of "status" offenders and dependent children. National policy, embodied in legislation restricting the use of Federal funds, prohibits the practice. Specifically,

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Statistics - 1974. (Washington, D.C.: Government Printing Office, 1975). Table 5.1, at p. 368. Reporting jurisdictions, whose cases are included in this total, are estimated to include three-fourths of the U.S. population.

4

Id., Table 6.1, at p. 416.

5

Note, that this percentage compares court "dispositions" to "new admissions." This includes all cases coming to the court's attention, but does not include cases where a child is detained without coming to the court's attention, for example, where the case is "adjusted" by a Probation Intake Officer. But more accurate data is simply not available.

6

120 Cong. Rec. S-13488 (daily ed. July 25, 1974) (remarks by Sen. Bayh, citing a 1971 LEAA survey)

RCWA 13.04.115 prohibits the housing of children under the age of sixteen in jails and police lock-up. But the Juvenile Code, of which it is a part, governs children under the age of eighteen. RCWA 13.04.010.

the Juvenile Justice and Delinquency Prevention Act of 1974, Section 223(a) provides: <sup>7</sup>

In order to receive formula grants under this part, a State shall submit a plan for carrying out its purposes consistent with the provisions of section 303(a) [of the Omnibus Crime Control and Safe Streets Act creating LEAA]. In accordance with regulations established under this title, such plan must --

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

A similar trend may become apparent in Washington State. In a recent case involving a girl adjudicated a dependent by reason of incorrigibility, the Washington State Supreme Court stated:

"The issue [of housing delinquent and dependent children together] is not before us. We cannot help but observe, however, that one who is dependent, albeit an incorrigible dependent, should not be committed for treatment or confinement in the same immediate area of an institution where he or she may associate with children committed for delinquent behavior. This is not to say, however, that incorrigible dependents cannot be housed within the confines of the same institutional facility as delinquent children. Rather, an incorrigible dependent committed to an institutional facility also housing juvenile delinquents must be kept separate and apart from them." <sup>8</sup>

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<sup>7</sup>

42 U.S.C. 5633

<sup>8</sup>

Blondheim v. State, 84 Wash. 2d 874, 529 p.2d 1096, at 1101 (1975). The case is dictum, rather than precedent or authority. And it interprets RCWA 13.04.095, regarding post-adjudication dispositions. But the import of the message is clear.

We understand that legislation will be introduced into the next legislative session which would prohibit the practice.

The rationale behind this development is clear -- and, to our minds, persuasive -- whether or not the legislation passes and whether or not Federal funds are contemplated. Secure detention in a facility with few programs, in the company of "hard-core delinquents" cannot but be harmful to the children being detained as "status" offenders. The President's Commission on Law Enforcement and Administration of Justice condemned detention of children accused of "conduct illegal only for children."<sup>9</sup> The National Advisory Commission on Criminal Justice Standards and Goals condemns the practice and points out that the punitive aspects of detention are clearly unjustified when the child has committed an act of such minor importance as those included in the "conduct illegal for children" category.<sup>10</sup> Intake screening guidelines recently promulgated by the Department of Health, Education and Welfare state that only youths "alleged to be a serious threat to the community and considered dangerous" should be detained.<sup>11</sup> They recommend shelter care, instead, because it is less expensive, it is less likely to lead to, or, confirm delinquency status, it is more conducive to setting the groundwork for future "helping" efforts, and community resources can be made more easily available to the "status" de-

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Task Force Report: Juvenile Delinquency and Youth Crime. (Washington, D.C.: U.S. Gov't Printing Office, 1967) pp. 25-7. The Challenge of Crime in a Free Society. (Washington, D.C.: U.S. Gov't Printing Office, 1967) pp. 87-8.

10

National Advisory Commission, Courts. (Washington, D.C.: U.S. Gov't Printing Office, 1973. Standards 14.1 and 14.2, pp. 293-9.

11

Olson, Jay, and George H. Shepard, Intake Screening Guides: Improving Justice for Juveniles. (Washington, D.C.: U.S. Department of Health, Education and Welfare, Office of Human Development, Office of Youth Development, February, 1975) pp. 24-5. These Guides are attached as an appendix to this report.

tainees. A similar message has been delivered by Dr. Rosemary Sarri, Co-Director of the National Assessment of Juvenile Corrections.<sup>12</sup> In Congressional debate over the Juvenile Justice and Delinquency Act, Senator Bayh of Indiana stated that the result of policies such as detention of juvenile "status offenders"

"has not been the decriminalization of crimes committed by adolescents but the criminalization of such social and adjustment problems as running away and incorrigibility. Once a young person enters the juvenile justice system for whatever reason, he will probably be picked up again for delinquent acts and eventually he will, more often than not, graduate to a life of crime."<sup>13</sup>

The testimony of Allen F. Breed, then-president of the National Association of State Juvenile Delinquency Program Administrators, in favor of this provision of the legislation, also cited the adverse consequences of "labelling" "status offenders" by placing them in detention.<sup>14</sup>

If children charged with "status" offenses are not to be held in detention, then what should be done with them? It should be borne in mind that identifying problems is always easier than proposing solutions. Rather than making recommendations, this report will outline avenues which appear worthy of exploration.

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<sup>12</sup>

See Rosemary Sarri, "The Detention of Youth in Jails and Juvenile Detention Facilities," 24 Juvenile Justice 2-5 (November, 1973).

<sup>13</sup>

120 Cong. Rec. S-13488 (daily ed. July 25, 1974) Senator Bayh was one of the two Senate floor managers instrumental in the passage of this legislation.

<sup>14</sup>

Id., at p. S-13488. Mr. Breed, Director of the California Youth Authority, is also a member of the National Advisory Committee established under the Juvenile Justice and Delinquency Prevention Act and Chairman on the Task Force on Juvenile Delinquency, National Advisory Commission on Criminal Justice Standards and Goals.

First, an aggressive effort could be undertaken to develop proposals, possibly for LEAA state block grant funding, which would establish shelter homes and other alternatives to detention. One of the reasons we recommend creation of a Deputy Director position to oversee the detention operation is to free the Director for efforts such as this. Although 43% of the serious crimes are committed by repeat juvenile offenders -- many of whom began their "careers" as "status" offenders -- the 1975 regional criminal justice plan for this region stressed delinquency control through police programs rather than juvenile court service programs.

Second, the Juvenile Division could explore with the State Department of Social Services the possibility of developing an adequate network of shelter care facilities, foster homes, and the like, which would serve "status" offenders as well as Social Services clientele who are not involved in court proceedings. Apparently, there are few alternative facilities available for "status" offenders. But the possibility of modifying Social Service program goals to make residential services -- and other rehabilitative services -- available for status offenders should not be overlooked.

Third, the Juvenile Department could explore "purchase-of-service" or "retainer" arrangements for provision of residential facilities as the need arises. This could be the sole means of supplying bedspace for the children, or it could be used as a supplement to other programs, to accomodate children when other facilities are full. A local YMCA, church,

school or civic group, for example, could keep a roster of suitable homes which would be willing and able to house children, on short notice, for relatively brief periods of time. Existing "live-in" rehabilitative programs, or even boarding schools, could expand their mandate to include temporary shelter-care under a "purchase-of-services" arrangement, say, reimbursing them a set fee for each day a "status" offender stays there pending court hearing. In some states, statutes give judges authority to order a child placed in a temporary facility, educational program, or medical facility, and to further order the state's social service department to pay the expenses involved. RCWA 13.04.100 may give Washington Superior Court judges similar powers.<sup>15</sup> Thus, "purchase-of-service" could be by contract or, possibly, by court order. We take no position whether such an arrangement is suitable for Cowlitz County; we merely suggest that the possibility should be explored.

Fourth, the Juvenile Department could establish a network of "Mom and Pop" foster homes and shelter-care facilities. This could be done under a "purchase-of-service" arrangement, or on a volunteer basis. Volunteer programs are never "free" -- at a minimum, the Department would have to put substantial effort into recruiting volunteers and closely supervising the quality of care given. But this could well be a task to be assigned to the Deputy Director for detention programs, which we propose

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Note that an Attorney General's opinion (Ops Atty Gen 1972, #6) seems to bar agencies not licensed by the Department of Social and Health Services from receiving dependent children, even under Juvenile Court order, following adjudication as a dependent.

in Sections Two and Three of this report.

C. CHANGES IN PROCEDURES

Various changes in procedures will be suggested in Sections Two and Three of this report. These include, for example, shortening the time between apprehension and first contact with a Probation Intake Officer and making a concerted effort to develop community alternatives to secure detention and institutionalization. It should be borne in mind that many of these changes will contribute to an overall decline in the detention population.

## SECTION TWO: THE DETENTION PROGRAM

Section One of this report challenged the practice of detaining "status" offenders, for lack of more satisfactory alternatives, on the ground that the stark atmosphere of detention served no useful purpose and has a potentially negative impact on children which may make more difficult -- or thwart altogether -- later efforts at rehabilitation. The same rationale underlies this Section, which discusses strategies for improving the detention program. Our recommendations fall into the broad categories of creating the position of Deputy Director of detention programs, undertaking strategies to improve the detention program, and ameliorating the harshness of the detention atmosphere.

### A. THE DEPUTY DIRECTOR FOR DETENTION

Perhaps the most significant step that can be taken to effect positive change in the detention program would be to highlight its importance to the Juvenile Division -- and the community -- through appointment of a Deputy Director for Detention. Earlier, it was mentioned that one reason for creation of this position is to free the Director for other responsibilities. But the major thrust of this recommendation is to permit a more direct and specific focus on the problems of the detention facility and on alternatives -- in the community and in the facility -- available to remedy these problems.

One of the most important responsibilities of the Deputy Director would be to work closely with the Director to develop community-based alternatives to detention, not only for "status" offenders, but also for delinquents who



present no serious immediate threat to themselves or the community. Virtually all of the standards, guidelines and authorities cited in Section One, in opposition to detention of "status" offenders condemn as well the detention of delinquents who present no such threat. The first step that the Deputy Director could undertake would be to explore, with the Director, the community, alternatives to detention suggested in Section One.

The other important aspect of the Deputy Director's responsibilities would be to examine closely the present detention program and develop a more positive program. This will be discussed in more detail in the next few paragraphs of this report. But it should be pointed out here that the thrust of these efforts is not to create a "country club" atmosphere. The mere fact that detainees are restrained by lock and key is sufficiently real to initiate any such atmosphere. Rather, the thrust is to provide a more humane atmosphere and individualized program in the facility, in order to avoid creating hostile and resentful attitudes in the children which would only hamper later efforts on their behalf. The "taste of jail" approach may be appropriate for some children under certain circumstances,\* but this does not require that all detainees be kept in small, locked rooms to sleep on steel beds and bare mattresses.

As a concomitant responsibility, the Deputy Director should also be in charge of supervising the housekeeping staff and other program staff in carrying out the detention programs.

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The authors' personal views are that it is not; but there are no definitive studies to support either view, and community attitudes may suggest that this approach is, on occasion, necessary.

## B. DETENTION PROGRAMS

Presently, few programs or activities are conducted inside the detention facility. There may be many reasons for this. One, we submit, is that there is little differentiation between "custodial" and "program" duties. Housekeepers are expected to do both, with the result that they have little time to devote to the children. A second is that security precautions are more easily enforced if each child is treated as a security risk and all children are treated alike. A third is that it is difficult to develop significant programs for children who remain only a few days.

Our proposed approaches to solving these problems take three lines. One, just mentioned, is to appoint a Deputy Director. The second is to delineate more clearly the housekeepers' "program" functions and use other personnel for janitorial and dietary services. The third is to add a Coordinator of Volunteers to the staff to develop and supervise community and volunteer programs.

One approach that the Deputy Director for Detention could take toward developing a detention program would be to view every aspect of the operation with a critical eye towards measuring its impact on the children in the facility. This could cover, for example, the variety in the diet and procedures for serving food, the policy regarding when, and for how long, rooms remain locked, the policy against permitting children seeking privacy to remain in their rooms during group activity time, and the like. A clergyman, a schoolteacher, or someone else from the community might join in this review and suggest some simple, no-cost changes to ameliorate the detention conditions.

This process should be the stepping stone towards developing positive programs, with a community thrust, for the facility. One question worth asking would be whether or not there is anything -- time, money, toys, books, or whatever -- that a Lion's Club, a library, a school or the business community could donate. This suggestion has the additional advantage of sensitizing the community to the Juvenile Division's problems and gaining their support for the effort to solve these problems.

Our second suggestion is to clearly delineate the housekeepers' duties as "program" in nature and seek alternative means of providing "custodial" services. Freed from "custodial" duties, the housekeepers could devote more attention to the children -- which may well be the most important element of any positive detention program. The Deputy Director could specify further "program" responsibilities and see that they are carried out. One of the first might be to develop an "intake" procedure. This could -- and, initially, should -- be a simple task. A brief talk with the arresting officer, official or parent bringing the child to the center, and with the Probation Intake Officer reviewing the case, should provide the housekeeping staff with enough information to determine, for example, whether a child should be held under secure conditions or whether he or she should be allowed relative freedom in the facility (e.g., to sleep in the dormitory room suggested in Section Four, or to remain in the room with the door closed but not locked).

The thrust of our second suggestion is to make more distinct the division of labor between "program" functions and "custodial" functions, to permit the housekeepers to spend more time with the children. But it is un-

realistic to expect one houseparent to be able to devote sufficient attention to a diverse group of nine detainees. This leads us to suggest that, at least during the day and early evening hours, there should be a minimum of two houseparents present. This may not be possible by re-arrangement of present schedules. Year-around, twenty-four-hour coverage of a facility by one person involves 8,760 hours. A houseparent working eight hours a day, 240 days a year (after consideration of vacations, holidays, sick days and the like) works 1,920 hours a year. Thus  $(8,760 \div 1,920 =) 4.6$  employees are needed to provide one houseparent in the facility at all times. Having two houseparents on duty between 10 a.m. and 8 p.m., six days a week, involves 2,496 hours of additional time, or  $(2,496 \div 1,920 =) 1.3$  employees in addition to the 4.6 needed for constant coverage of the facility. The present staff is four full-time and two part-time houseparents, or the rough equivalent of five full-time houseparents. An additional houseparent, to work eight-tenths of a full work week, is indicated.

The housekeepers should have some training to prepare them for these new responsibilities. It could, for example, consist of one-hour bi-weekly meetings involving presentations by the Deputy Director, carefully-structured group discussions of problems, or question-and-answer sessions with Special Education experts from schools, police officers and Superior Court judges who have experience with juveniles.

Custodial duties could be handled by retaining a full-time dietary specialist and contracting for janitorial and housekeeping services.

Our third suggestion is to develop volunteer and community programs, under a Coordinator of Volunteer Services. (If sufficient funds are not

available, of course, the Deputy Director for Detention could also serve as the Coordinator of Volunteers. But successful use of volunteers demands a substantial commitment -- in recruitment training and supervision. A full-time Coordinator is much to be desired.) Volunteers could assist with recreational, educational, cultural and counselling (both long term and "crisis intervention") programs. The volunteers could come into the facility, or the children could be escorted to programs outside detention walls. Since the average number of children in detention is nine, and few present real security risks, such as field trips as a tour of a pulp mill, are feasible.

#### C. THE DETENTION ATMOSPHERE

Earlier, we stressed the value of having the Deputy Director for Detention examine every aspect of the operation with an eye towards its impact on the detainees. Several simple and inexpensive steps might well be taken to alter the general atmosphere of detention in keeping with the program modifications suggested in this report. Their purpose would be to reinforce the impressions and attitudes intended to be created by those program changes and enhance the value of the facility improvements specified in Section Four.

For example, the absence of visual or sensory relief in the detention wings could be ameliorated with a somewhat more imaginative use of paint colors and patterns and bedroom decorations and furnishings. Although it is not intended to make the detention experience a desirable one, there is no advantage in having it encourage the development of adverse reactions in detainees.

Developing some simple options in detention policy based upon assessment of individual children at Intake could make the experience more useful and, perhaps, educational. Some detainees might benefit from a dormitory environment, and others from private bedrooms. Others might require secure detention. Bedroom doors can be left open or unlocked unless reasons are found, either in the Intake assessment or subsequently, to close or lock them. Section Four also suggests that one room in the Girls Detention Wing be made into a dormitory for optional use where Intake has determined it would be a positive experience for detainees.

### SECTION THREE: THE PROBATION FUNCTION

Contrasted with the problems of possible relocation (deemed not necessary in Section One), detention of status offenders and enrichment of the detention program, the areas of concern in the non-detention aspects of the Juvenile Division operation seem minor. This office has already taken steps to specialize the intake function: this section will merely encourage this trend and urge speeding the process between arrest and court appearance. Our recommendation in Section Two, for a Deputy Director in charge of detention, should permit the Director more time for supervision and program development without forcing a reduction of his caseload. An additional probation officer may be required if someone from the present staff is designated Deputy Director. An additional secretarial position may be required, especially if the intake function is expanded. A clearer division of labor among the support staff, and expansion of the workspace to permit consolidation of the records in one place ( a recommendation in Section Four), are indicated.

#### A. THE INTAKE FUNCTION

The Juvenile Department has recognized the importance of the Intake function and taken steps to improve this function. We recommend that these be taken to their logical conclusion -- that is, that one or two Probation Officers be designated as the Intake Officers either full-time or in addition to.

The Juvenile Department has recognized the importance of the Intake function and taken steps to improve this function. We recommend that these be taken to their logical conclusion -- creation of a separate Intake Unit.

The Intake Screening Guide attached as an appendix to this report presents a good discussion of the purpose of such a unit and the steps that should be taken to create it. The only thing which we can add to that discussion are that:

- Given the small size of this office and the necessity of having an Intake Officer "on call" 24 hours a day, it may be necessary to designate two Probation Officers to be Intake specialists in addition to their present duties, but full-time Intake Officers are preferred.
- This book's discussion of the necessity for on-call Intake Officers to reduce overnight detention and speed the process between arrest and disposition of cases is particularly opposite to the problems of this jurisdiction.
- The Juvenile Division will probably find it necessary to designate a secretary to work full-time on Intake, in order to provide the Intake Officer(s) the support they need.

#### B. CLERICAL FUNCTIONS

The current clerical staff of three apparently is able to handle effectively all the support functions of this office; including court clerk functions such as docketing, issuing summonses and court orders and the like; preparation of probation staff investigation reports and special reports; maintenance of detention records; and such administrative tasks as budget paperwork and payroll preparation. But there is little formal division of labor in the discharge of these responsibilities.

We recommend improvement of the efficiency of the clerical operations through:

- Creation of a new secretarial position, to handle the increase in work which would result from creation of an Intake Unit.



- A clearer division of labor among the support staff.
- Consolidation in one place records not stored, for lack of space, in three different locations.
- Expansion of the support staff workspace, as proposed in the discussion of Reference Numbers 7, 8, 11 and 12, in Section Four of this report.

#### SECTION FOUR: FACILITY EVALUATION

This section of the report evaluates facility needs and offers recommendations which were developed in reference to existing and anticipated near-future conditions affecting juvenile court operations.

A word should be added here about the approach taken in this report towards analysis of space needs. This office, or any office, contains a number of discrete functions which must relate, to a greater or lesser degree, to every other function of the office. The most efficient spatial arrangement of an office is that which places together those office functions which have the strongest functional relationship. Further,

"An effective space management program embraces much more than the mere physical setting. In fact, problems initially defined in spatial terms frequently have their source in administrative or management problems. In such cases, a space problem is effect rather than cause. To resolve problems at the source, space management approach and methodology must retain a comprehensiveness sufficient to analyze not only facilities data but administrative and management data as well." <sup>16</sup>

Thus, space planning should occur only after the space planner has a thorough grasp of the office's operations -- what is, and what should be. This was the approach taken in this study.

But, office operations never remain immutable. Change is inevitable. Thus, while space plans must respect and reflect the functional relationship in an office, they must also provide the necessary flexibility to permit change.

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<sup>16</sup> F. Michael Wong, Space Management and the Courts: A Design Handbook. (Washington, D.C.: U.S. Government Print Office, 1973).

#### A. PROBLEM BACKGROUND

Two recent developments frame the background of the facility study; the entire basement will soon be available to Juvenile Court when civil defense operations are relocated to the new Hall of Justice, and the state is preparing to take some property along the site's eastern boundary to relocate a freeway off-ramp. Two questions are posed as a consequence:

1. Assuming that state taking of land presented either a need or an opportunity to move the juvenile facility, what facility needs should be considered?
2. Assuming no relocation of the facility, what are its present and near-future facility needs and how can they best be met using the newly available basement space?

The first question is answered in subsection B, and the second in subsections C and D.

#### B. SITE NEEDS

As stated in Section One of this report, projections of population growth do not indicate that expansion or relocation of the present facility is required. Nor will the proposed freeway off-ramp require relocation of the facility. Property lost to the state primarily affects existing parking spaces and access road routing. Close routing of the off-ramp will also add noise to the environment of the center. County planners have proposed a change in access road routing that would have two effects:

- 0 Create ample new parking spaces along the new road to replace those lost at the front of the building.
- 0 Bring the southern portion of the circular road

much further away from the building's south end, thereby freeing land for southerly expansion if it should be needed.

The state is expected to pay for construction of sound isolating walls between the new ramp and the property and possibly for other compensatory work, as well.

In general, it appears unlikely that a better site could be found for the Juvenile Center offering more immediate space or convenience or more long-term future potential than the existing site. Construction costs would be far higher than total costs of recommended modifications to facility and grounds made in this report.

Consequently, it is recommended that Juvenile Center remain in its present location and that suitable acoustic and visual insulation between off-ramp and facility be sought from the state. If possible, air conditioning costs (including full basement) and double glazing of windows in probation offices and courtroom should be included in addition to proposed curtain walls at the new property line. It is further recommended that the proposed access road and parking modifications be developed further and implemented.

Earlier, this report recommended expansion of the recreational opportunities available to detainees. Consistent with this recommendation, we suggest that the outside play area be expanded to permit softball games.

### C. FACILITY NEEDS

Facility needs responsive to present and anticipated near-term future modes of operation of the Juvenile Center have been studied in respect of what use can be made of the full basement and what improvements should be

made to first-floor space use. The problems addressed by the following recommendations are of two categories: those resulting from operations and programs expected in the near-future; and those already experienced resulting from specific facility deficiencies. To simplify the discussion, areas of change on the accompanying sketches are numbered and are referenced by number in the text. It is important to note that these sketches do not represent architectural plans; they are intended to illustrate suggested modifications to space use in a convenient and understandable way, both to court personnel and to an architect. Implementation of the recommendations will require first, the services of an architect to design the changes and prepare working drawings, and next the actual construction.

No structural changes are recommended except for enclosing the present porch area and adding a new interior stairwell from the control room to the basement. A minor shift of the corner of the library, some plumbing and carpentry, and several door location changes complete first-floor work. Extensive interior partitioning and some plumbing changes are the major basement work items recommended.

The general scheme of the recommendations is to put four functions in the basement:

- 0 Additional program activity and counselling space directly connected to the existing first-floor detention area.
- 0 General staff meeting and training, volunteer activity, and community-related activities.
- 0 Office and interview space for prosecuting and defense attorneys, and
- 0 Various forms of bulk storage needs now handled

on the first floor.

Modifications to the first floor are devoted to five purposes:

- ④ Improving public circulation to courtroom and probation offices,
- ⑥ Increasing total probation space,
- ⑥ Increasing and improving functional relationships in secretarial and filing spaces,
- ⑥ Adding several functions within the detention area without expansion of total space, and
- ⑥ Providing interior vertical circulation within the detention environment between first-floor and basement.

From the specific recommendations developed according to these concepts, it is expected that a marked increase in functionality can be achieved with the minimum feasible construction cost. Assuming future detainee population and program needs are as projected in this report, facility adequacy should be reliable for at least ten years ahead, without sacrificing the future expansion capacity of site and structure, if needed.

#### D. SPECIFIC FACILITY RECOMMENDATIONS

Recommendations, keyed to the circled numbers of areas on Drawings 3, 4, and 5 are discussed for detention areas, probation areas, court and public areas, and staff and activity areas. Drawings 1 and 2 sketch existing site and first-floor plans for relevant areas.

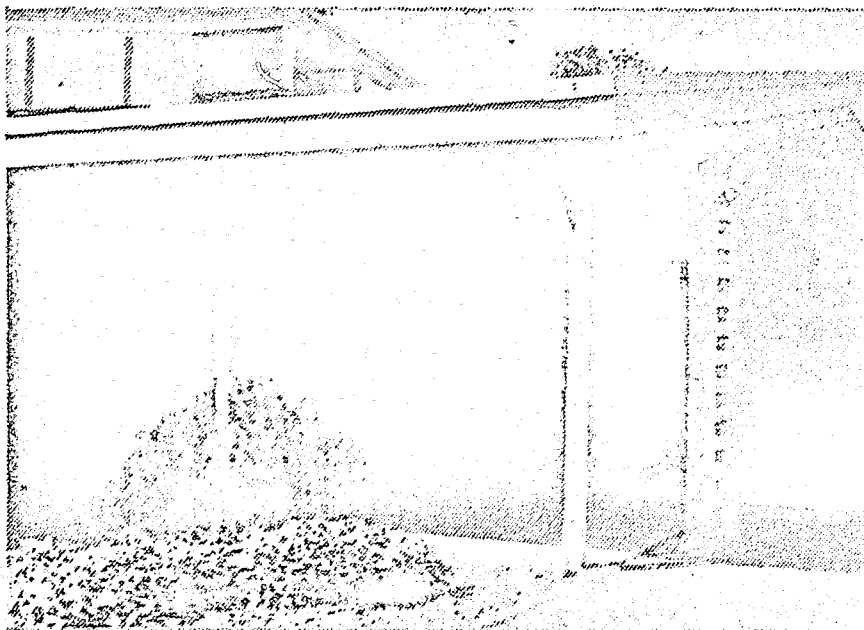
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DRAWING 2:	Sketch of Portion of Existing First Floor Space...
DRAWING 3:	Sketch of Proposed East Side Space Use, First Floor.....
DRAWING 4:	Sketch of Proposed Space Use, Basement.....
DRAWING 5:	Proposed Space Use, First Floor, West Side.....

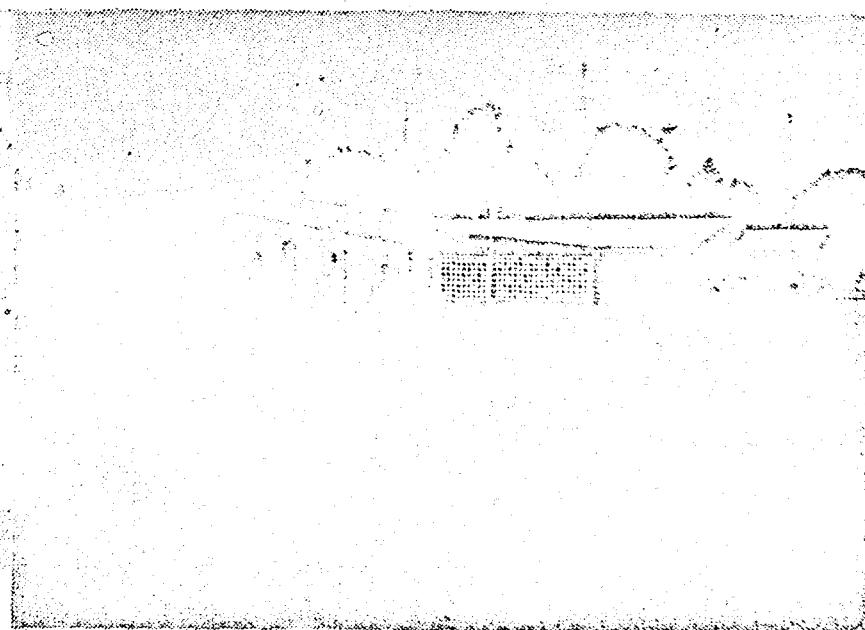
<u>Reference Number</u>	<u>Drawing</u>
1	3
2	3, 4
3	3
4	3
5	3
6	3
7	3
8	3
9	3
10	3
11	3
12	3
13	4

<u>Reference Number</u>	<u>Drawing</u>
14	4
15	4
16	4
17	4
18	4
19	4
20	5
21	5
22	5

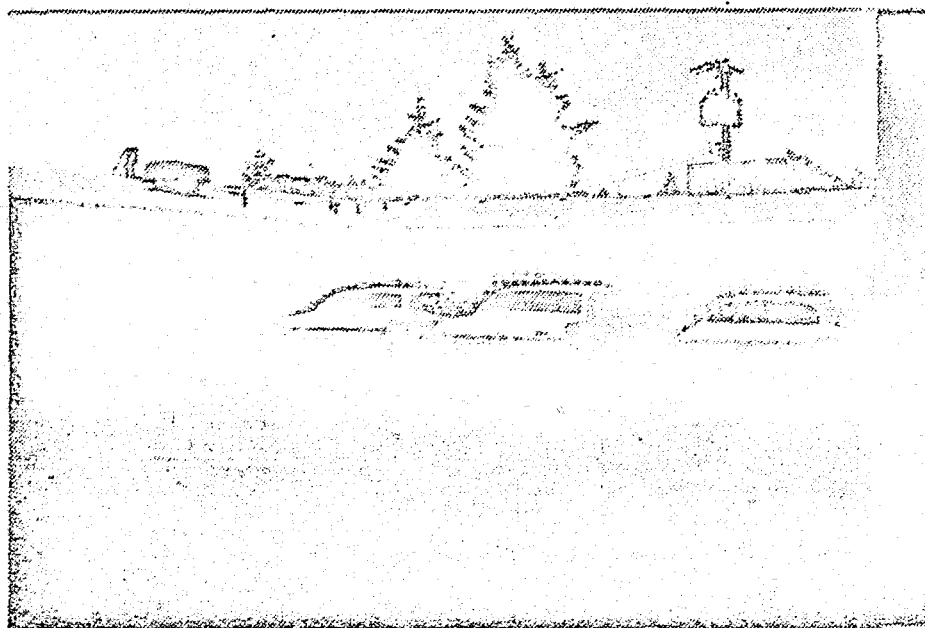




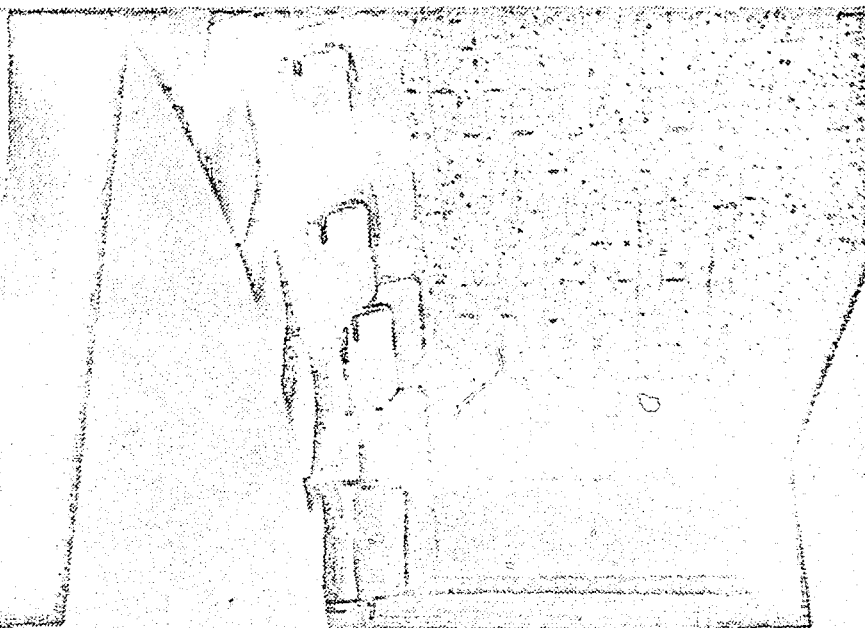
FRONT ENTRANCE



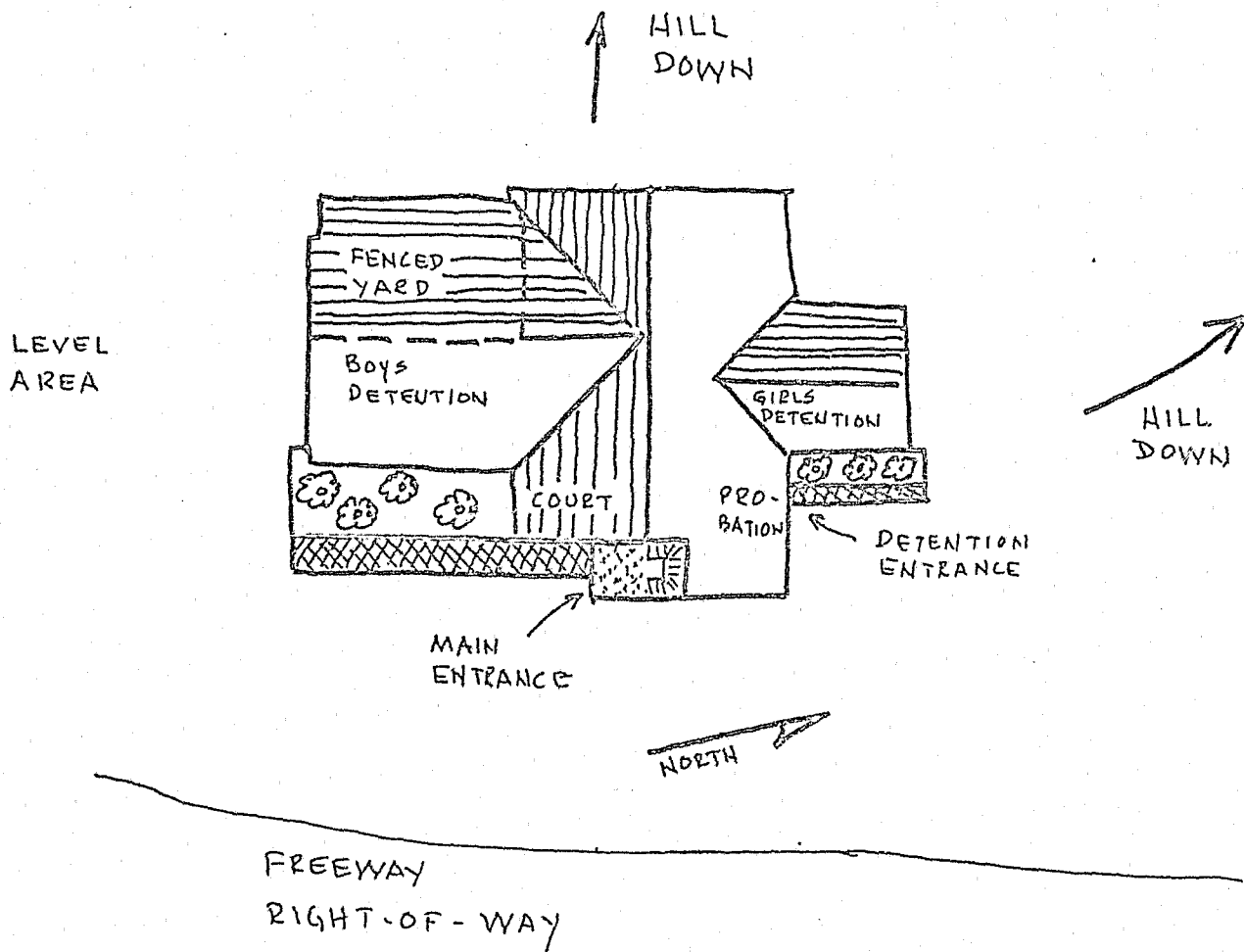
SOUTH FACADE, BOYS' WING



EAST FACADE, GIRLS' WING

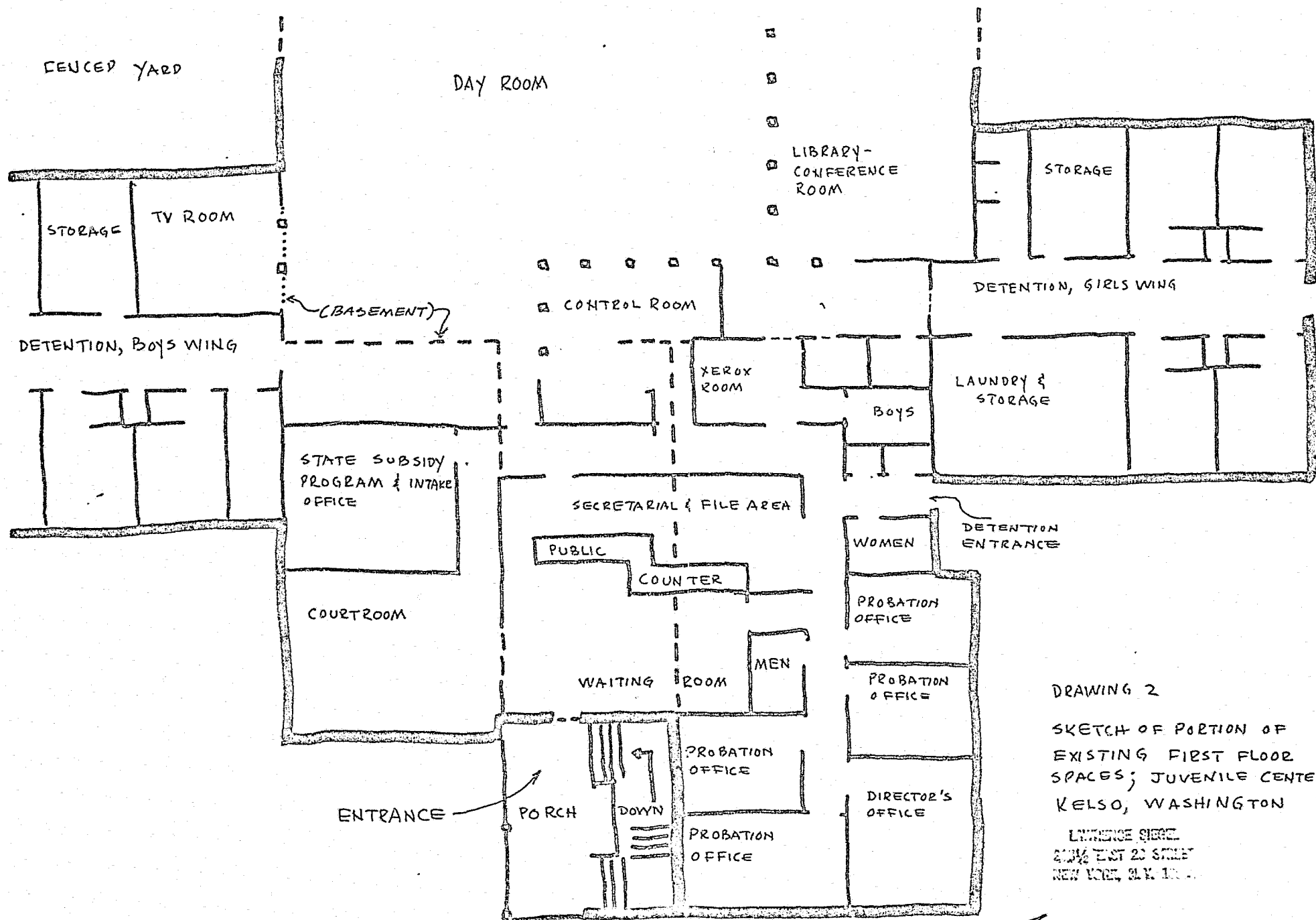


COURTROOM



DRAWING 1  
SKETCH OF PORTION  
OF SITE PLAN,  
JUVENILE CENTER,  
KELSO, WASHINGTON

LAWRENCE SIEGEL  
208 1/2 EAST 20 STREET  
NEW YORK, N. Y. 10003

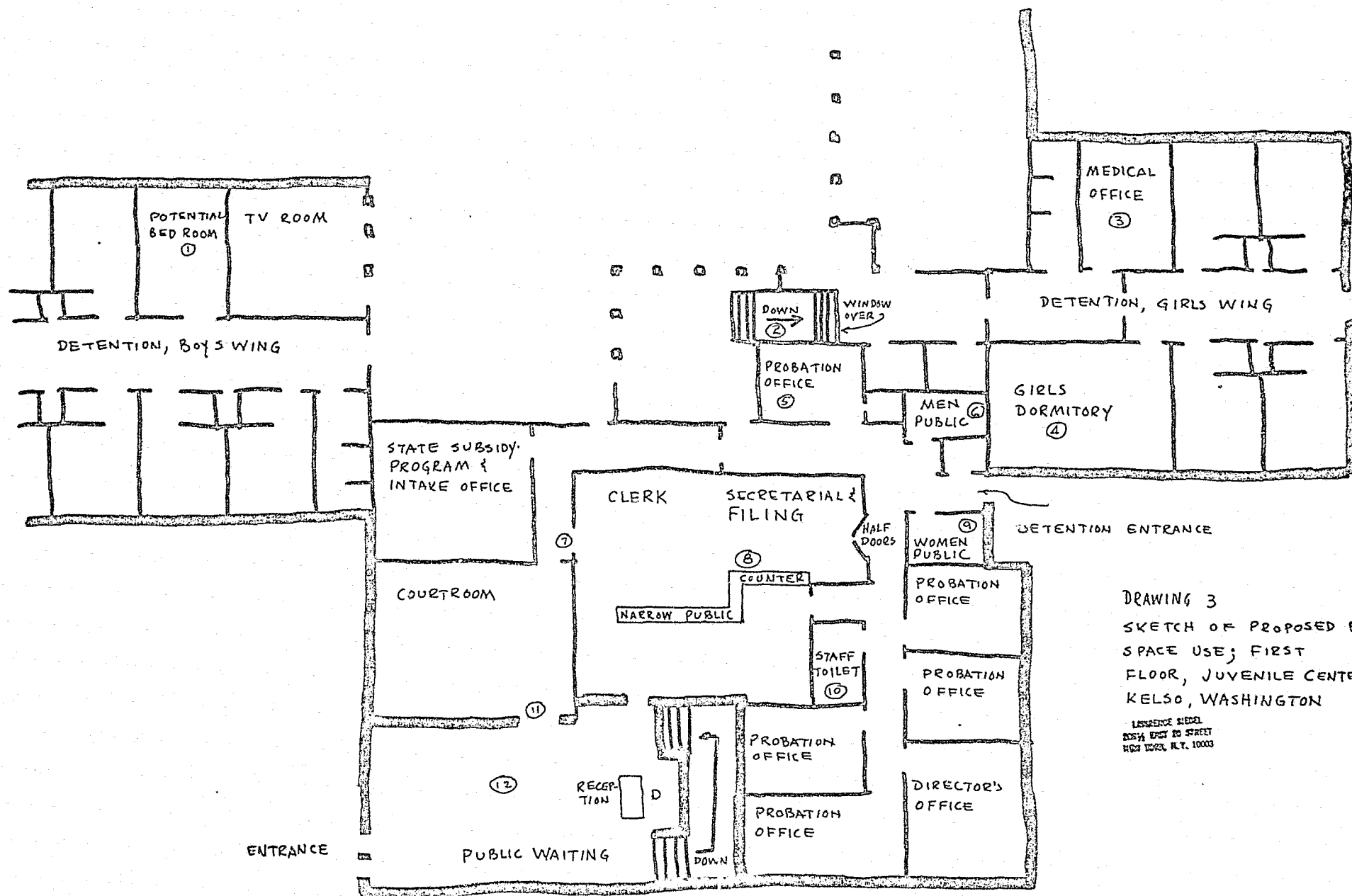


DRAWING 2

SKETCH OF PORTION OF  
 EXISTING FIRST FLOOR  
 SPACES; JUVENILE CENTER,  
 KELSO, WASHINGTON

LINDSEY SIERA  
 2014 EAST 20 STREET  
 NEW YORK, N.Y. 10011

NORTH

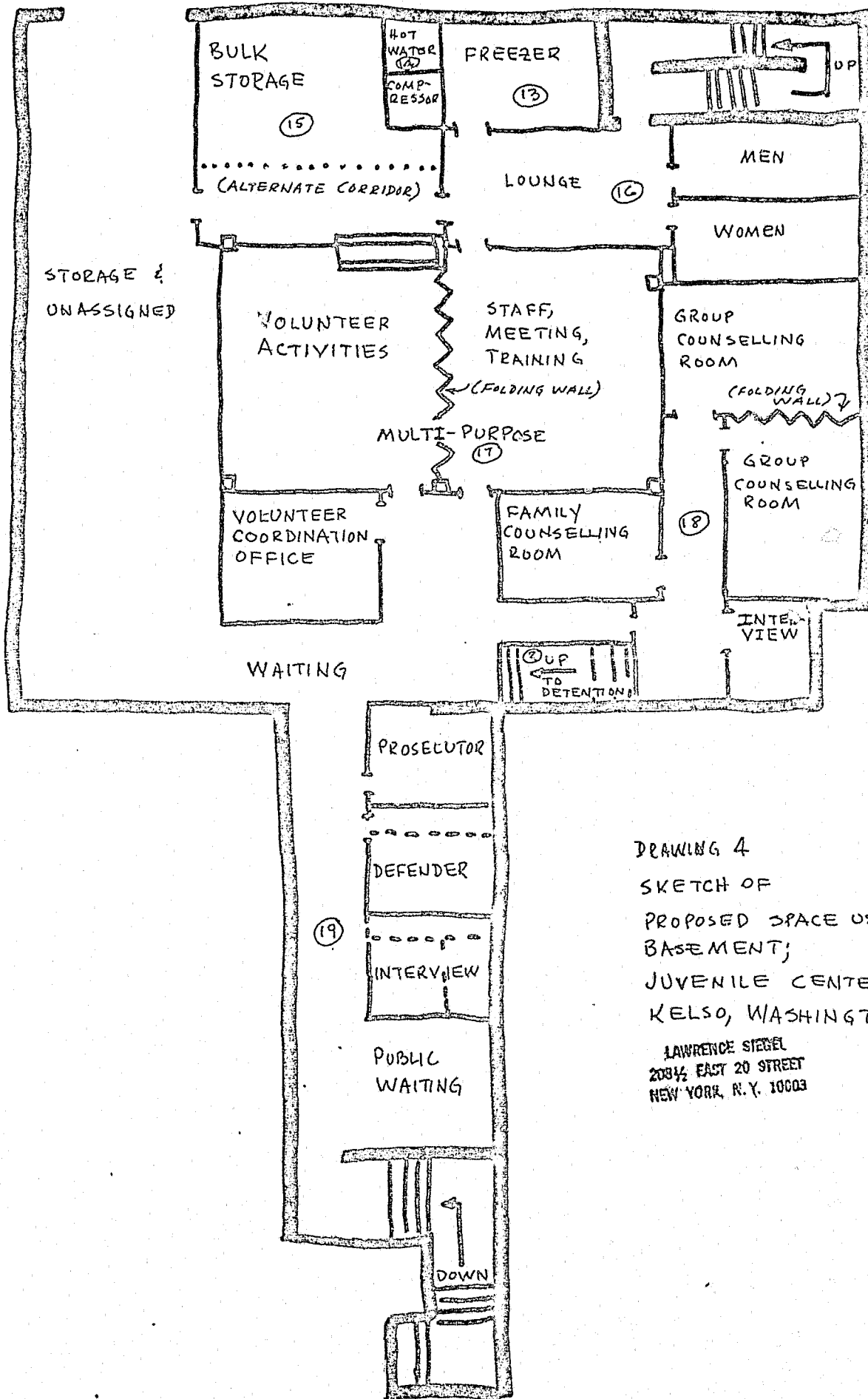


DRAWING 3  
 SKETCH OF PROPOSED EAST SIDE  
 SPACE USE; FIRST  
 FLOOR, JUVENILE CENTER,  
 KELSO, WASHINGTON

LEWIS & CLARK  
 2001 1ST ST. SE  
 SEASIDE, WASH. D.C. 20003

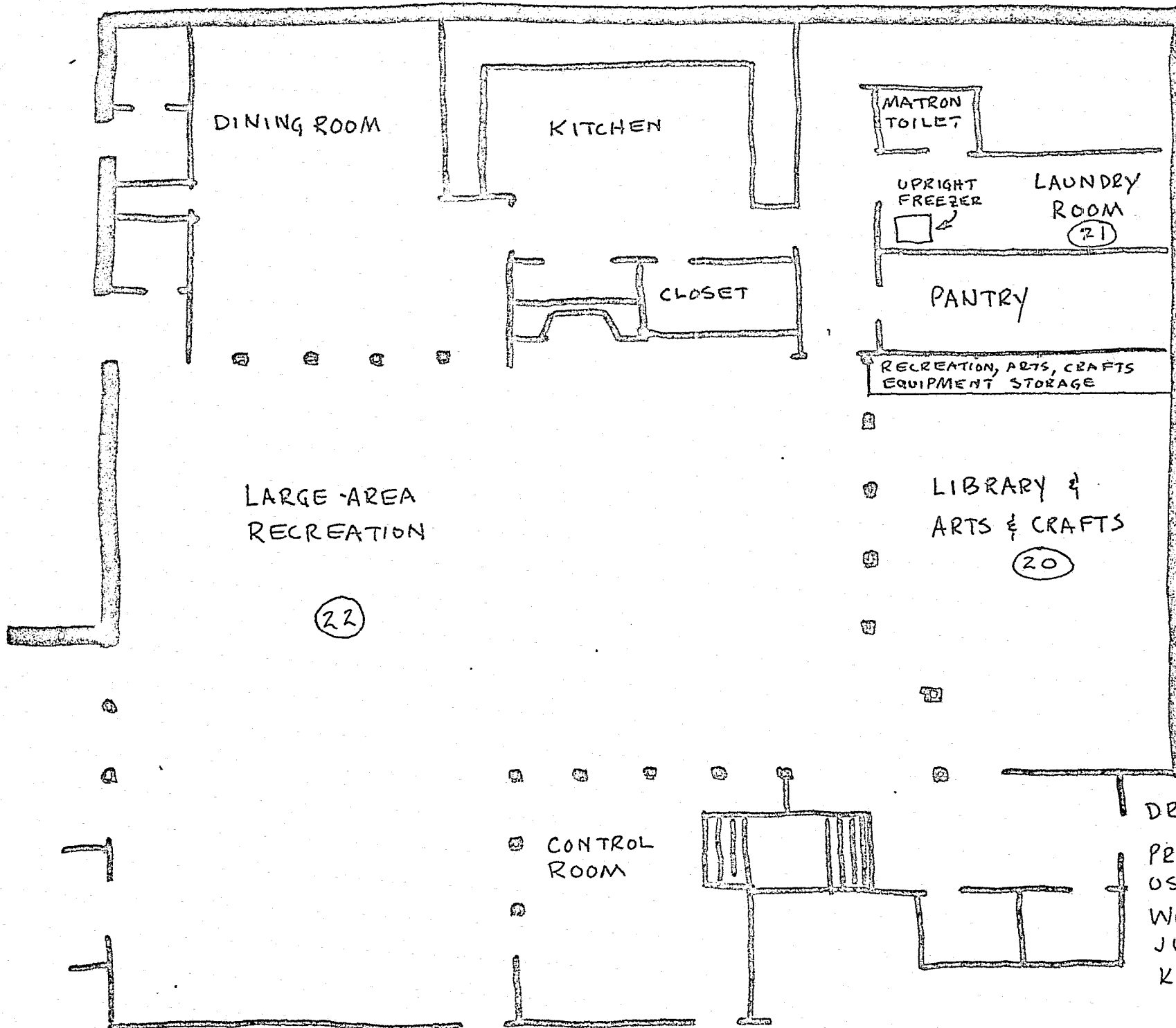
NORTH

DRIVEWELL  
ENTRANCE



DRAWING 4  
SKETCH OF  
PROPOSED SPACE USE,  
BASEMENT;  
JUVENILE CENTER,  
KELSO, WASHINGTON

LAWRENCE STEGEL  
208 1/2 EAST 20 STREET  
NEW YORK, N.Y. 10003



LAWRENCE SIEGEL  
208 1/2 EAST 20 STREET  
NEW YORK, N.Y. 10003

DRAWING 5  
PROPOSED SPACE  
USE, FIRST FLOOR,  
WEST SIDE;  
JUVENILE CENTER,  
KELSO, WASHINGTON

## 1. MODIFICATIONS TO DETENTION AREA

Reference Number 1 - Boys' Wing; Change existing Storage Room to potential additional bedroom.

Removal of all bulk storage to basement spaces will allow this room to be modified, and plumbing added for use as a future bedroom.

Reference Number 2 - Control Room; Construct stairwell down to proposed basement Program Area.

This stairwell would start within the Control Room and run down to the basement, remaining within the security of the Detention Area. The existing Library corner may have to be reversed inward to clear the Girls Wing corridor around the stairwell. We also suggest replacing Control Room glass over the stairwell to maintain visibility in all directions.

Reference Number 3 - Girls Wing; Change existing Storage Room to Medical Office and add a new detention wing door.

The Medical office will require plumbing and equipment to be specified. A new door should be constructed closing the Girls Wing so that the Medical Office door is not in the enclosed area. The existing door can remain. The Medical Office should be accessible without entering Girls Wing.

Reference Number 4 - Girls Wing; Change existing Laundry and Storage Room to a Girls Dormitory.

Laundry equipment is to be relocated to the existing Freezer Area (Reference Number 21) and a new Freezer constructed in the Basement. All storage will be in the Basement, making this large room available as a programmed alternative Girls Dormitory where such arrangements are found desirable. It is also a suitable overflow bedroom during peak population

periods. A new door should be constructed within the Girls Wing defined by the new detention door. If interior arrangements permit, the existing door should be retained so that this dormitory room can be segregated from the detention bedrooms, giving an option to separate delinquent and dependent girls' sleeping areas.

Reference Number 20 - Library; Modify for arts and crafts and other recreation programs.

The Library shelving in this room can be compacted and storage for recreational equipment and supplies added. This room can house noisier activities or those needing more privacy, depending upon the thrust of program design. This room, in conjunction with modification of the existing Day Room, along the lines suggested in Reference Number 22 for recreational activities better using its large area, should then give the Juvenile Division increased programmatic flexibility.

Reference Number 21 - Freezer; Relocate in Basement and change to Laundry Room.

Relocation of the Freezer to the Basement will allow this space to be used for laundry equipment, thus freeing the existing laundry room to become a girls dormitory. The upright freezer should be retained here for kitchen-ready storage.

Reference Number 22 - Day Room; Large area for recreational activities.

No special architectural changes are needed for this space to be suitable for multiple or larger-scale group recreation. The space is



there and has only to be put to use. Additional athletic activities, displays of detainee arts and crafts, construction projects, open classes, and other activities can easily be handled in this large open space. Various activities can happen simultaneously, or the entire area can be used for single activities.

## 2. MODIFICATIONS TO PROBATION AND COURTROOM AREA

### Reference Number 5 - Xerox Room; Change to Probation Office.

Construction of the new stairwell (see Reference Number 2) will probably necessitate removing the Xerox Room detention area door. With the modifications listed in Reference Number 6, this space can be used as an additional Probation Office at the end of the probation corridor.

### Reference Number 6 - Boys Room; Change to Public Men's Room.

Close the existing door from the Xerox Room to the Boys Room and create a closet in the existing small hall. Remove the existing closet and open a new door to the Boys Room in the wall opening on the probation corridor. This will make the toilet accessible to the public as a Men's Room, and will enable the existing Men's Room to be designated a staff toilet (see Reference Number 10). The existing Women's Room can now be designated as a public Women's Room (see Reference Number 9).

Reference Number 7 - Secretarial and Filing Area; Relocate near door.

Move the rear door to the internal corridor connecting probation and court areas to the south wall. This improves circulation and opens space for use by the Clerk, allowing a larger uninterrupted wall for better plan-

ning and space use. See Reference Number 8.

Reference Number 8 - Secretarial and Filing Area; Move Public Counter.

Relocate the public counter forward, in conjunction with relocation of Courtroom public door (Reference Number 11), to approximately double available work and file space. Public circulation will thus be channeled directly to the probation corridor and the public waiting area. The width of the public counter seems excessive; it should be reduced to about 18 inches in order to make more working space available.

Reference Number 9 - Probation Area; Designate Women's Room as a public facility. See Reference Number 6.

Reference Number 10 - Probation Area; Designate Men's Room as Staff Toilet.

See Reference Number 6. A private toilet for staff use is extremely desirable for the dignity and authority of Probation Officers.

NOTE: Reference Number 6 suggests converting the "boys'" room at the far end of the "Probation Hall" into a public facility. This Reference Number recommends designating the toilet a Staff Toilet. It doesn't require a Privy Council session to determine which sign should go on what door.

Reference Number 11 - Secretarial and Filing Area; Relocate Courtroom door.

Move the Courtroom public door from the Secretarial space to the proposed public waiting area east of the Courtroom. With the addition of a public waiting area (see Reference Number 12 below), the existing exterior east wall will become an interior wall. Relocation of the door will restrict undesired access to the secretarial space and simplified circulation in this area will allow for increased secretarial space use.

Reference Number 12 - Porch; Change to interior public waiting area.

This space should be enclosed and all necessary structural changes made, including a new roof, to convert it into a waiting area. Included in the space is the existing stairwell to the Basement, which will see much greater use if the proposed basement modifications (see below) are made. A receptionist's station should be added in the stairwell niche, with communications to the proposed Basement attorney and interview spaces. The proposed area extends to the south wall of the Courtroom and includes about 55 per cent more waiting space than now exists.

Forward relocation of the public counter. No decrease in courtroom use or functionality should be seen -- perhaps a small improvement will result.

### 3. MODIFICATIONS TO BASEMENT

Reference Number 13 - Freezer; Relocate to Basement.

Construct a new Freezer on the west wall of the Basement, adjoining the rear stairwell. The first floor space now devoted to storage need not be used in this manner. An upright freezer will remain in the existing freezer area for ready kitchen use. Laundry equipment is to be relocated to the existing Freezer area (see Reference Number 21).

Reference Number 14 - Hot Water Heater; Relocate to west wall.

Relocate the water heater from its existing position, where it occupies valuable space which we propose to be used for attorney interviews (see Reference Number 19), the west wall adjacent to the Freezer. Plumbing can be removed and simplified to make basement offices more satisfactory.

Reference Number 15 - West Wall; Create secure bulk storage area.

The walled area for bulk storage of valuables and perishables can be constructed here, forming one wall of the multipurpose activities space. To provide staff and public circulation through to the toilets and lounge area without moving through the multi-purpose rooms, a corridor could be constructed between the multi-purpose wall and the bulk storage area. This alternative is designated by a dotted line on Drawing 4. A reduction in locked storage would result, but this could be restored along the south wall, if needed.

Reference Number 16 - Staff and Public Lounge

Increased public use of the Basement and construction of secure spaces make it convenient to designate a lounge area near the two toilets. This can be used as a coffee and rest area for groups using the multipurpose rooms and for all staff.

Reference Number 17 - Multipurpose Area

A three-space area with adjacent waiting space is to house programs and activities involving public participation, staff functions, and other activities for juveniles and adults requiring classroom or meeting room size spaces. Two meeting rooms are separated by a movable wall for increased flexibility. One is primarily intended for volunteer and community activities and the other for staff meetings and training, but the designations are flexible. An office for permanent staff performing volunteer coordination, public relations, and training functions is located adjacent to

the meeting rooms. Public waiting is in the adjacent corridor.

Reference Number 18 - Detention Program Area

From the internal stairwell, access is gained to a group of spaces intended for flexible adaptation to the needs of therapy, counselling, and training programs that may be instituted during near-future years. Three rooms are provided, each large enough for group counselling, but one smaller than the other two and best suited for family groups. For increased flexibility, the two larger group rooms could share a movable wall and open into a larger space, suitable for larger group activities. Furnishing should be simple and easily rearranged to suit the size of the group and the nature of the activity. It is not intended that any of these spaces be permanent staff offices but that they will be available to any probation or detention officer as needed. Finishes should be cheerful and complete, offering visual and acoustic isolation. A small interview room is also proposed, at the foot of the stairs, for attorney-client conferences within the Detention Area.

Reference Number 19 - Attorney Area

Three offices and a waiting area are proposed for the long wing leading from the front stairwell and now containing civil defense offices. These are to be fully private offices with floor to ceiling partitions, one for use by prosecuting attorneys, one for public or designated defense attorneys, and one for private counsel interviews, interviews with law enforcement officers, etc. These would be most heavily used on court days and should be controlled

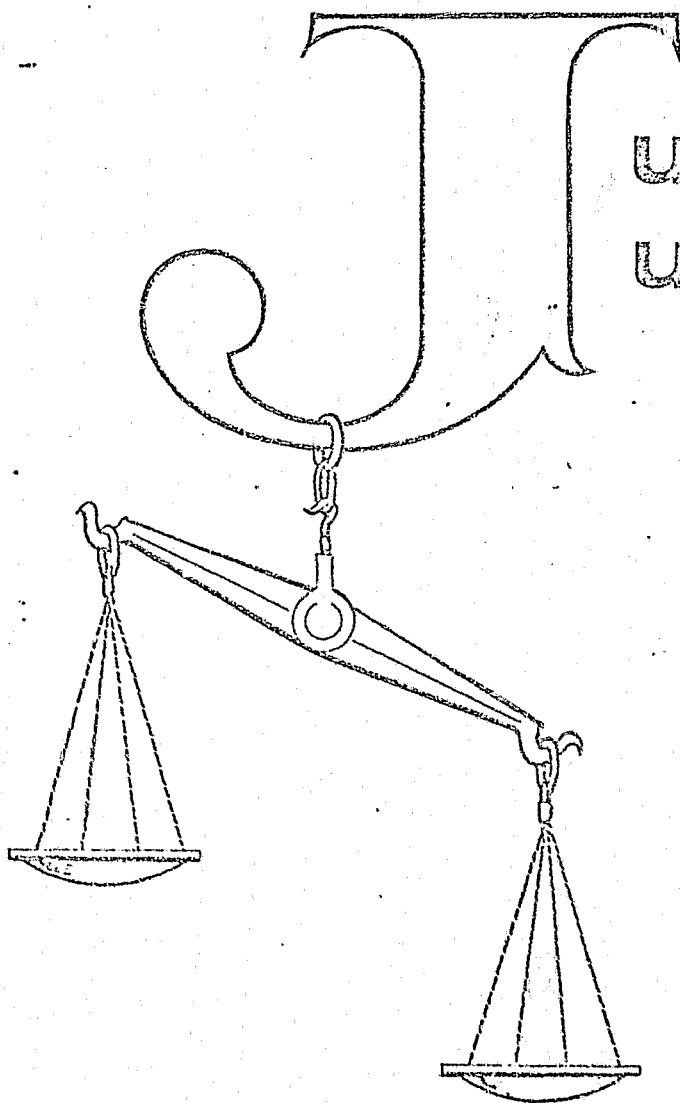
by public address communications from the Receptionist to call parties to court. Prosecution and defense offices could contain records and files stored between court days and so must be locked and secure.

APPENDIX

# INTAKE SCREENING GUIDES

## Improving

## Justice for juveniles



DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE  
Office of Human Development  
Office of Youth Development  
Washington, D.C. 20201

INTAKE SCREENING GUIDES

Improving Justice for Juveniles

by

Jay Olson  
George H. Shepard  
Program Managers-Operations

U.S. DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE  
Office of Human Development  
Office of Youth Development  
Washington, D.C. 20201

February 1975



## FOREWORD

This publication is designed as a support service to provide Federal leadership in encouraging States and local communities to improve justice for juveniles.

The *Intake Screening Guides* are complementary to another Office of Youth Development publication—the *Model Acts for Family Courts—State/Local Children's Programs*—which stresses diversion of youth from the juvenile justice system in the non-criminal offense category, and the development of alternative programs outside of the correctional media.

The *Intake Screening Guides* provide criteria for the screening and referral of youth coming to the attention of law enforcement and juvenile court intake. They suggest screening processes at intake levels and provide criteria for disposi-

tional practices by law enforcement and juvenile court intake units.

In addition, they promote the formation of inter-agency agreements between youth-serving agencies and the juvenile justice system for processing youth into or out of the system, and they recommend organizational structures for law enforcement and juvenile court intake units that will facilitate delinquency prevention practices and procedures.

It is our hope that the guidelines and criteria promulgated in this publication will fill a void in the field which has resulted in a conglomeration of varied practices lacking in uniformity, consistency or fairness—practices which indiscriminately and excessively propel youth into the juvenile courts and help to stigmatize many as delinquent who are *not* dangerous to society.

JAMES A. HART  
Commissioner  
Office of Youth Development

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## INTRODUCTION

During the past decade, programs of diversion of youth from the juvenile justice system have been proliferating in almost all sections of the country. One impetus for this development was the report of the 1967 President's Commission on Law Enforcement and Administration of Justice. The Commission recommended establishing alternatives to the system of juvenile justice.

"The formal sanctioning system and pronouncement of delinquency should be used only as a last resort.

"In place of the formal system, dispositional alternatives to adjudication must be developed for dealing with juveniles, including agencies to provide and coordinate services and procedures to achieve necessary control without unnecessary stigma. Alternatives already available such as those related to court intake, should be more fully exploited.

"The range of conduct for which court intervention is authorized should be narrowed, with greater emphasis upon consensual and informal means of meeting the problems of difficult children."<sup>1</sup>

The nature and extent of diversion in any community is determined by the screening practices of the police and the juvenile courts.

The term diversion has been employed very broadly to refer to almost any discretionary action. However, diversion in this publication refers to a process of referring youth to existing community youth services outside the juvenile justice system and in lieu of further juvenile justice processing.

Diversion can take place at any point between apprehension and the filing of a petition in juvenile court.

This definition, thus, place some limits upon what actions constitute diversion. It presupposes a receiving agency which offers some youth development or delinquency prevention service. This factor provides a distinction between diversion and what is called screening.

Screening, by definition, is a system for examining and separating into different groups.

The police and juvenile court intake examine and then classify youth coming to their attention into the following categories:

(1) Those who can be warned and released without further action.

(2) Those who should be retained in the juvenile justice system because, they are a threat to the personal safety of citizens or a threat to commit another serious crime.

(3) Those who need some community youth service, but do not require further processing in the juvenile justice system. (Diversion)

Youth who are unnecessarily retained in the juvenile justice system are negatively and inappropriately labeled. The stigma associated with this labeling is damaging.

"The delinquent label accomplishes four major changes in the life of the child to whom it is attached. First, as a self-fulfilling prophecy, it encourages the child to identify himself as a delinquent and bad. He organizes his behavior, attitudes, and ambitions accordingly.

"Secondly, the label acts to strip the youth's community of the positive means of control it normally employs to hold the behavior of its youth in line with its values. By rejecting the child who has acquired a delinquent label society withdraws its recognition and affirmation.

"Third, the label serves effectively to cut off legitimate opportunities for success and recognition. The most significant people in a child's life—his peers, family, neighbors and authority figures react to the child labeled delinquent with mistrust, suspicion and caution.

"The fourth and most critical result of the delinquent label is that it opens the door to illegitimate opportunities to the child. If a youth accepts its delinquent label and seeks out friends who have also been labeled, his behavior will tend to conform to the standards of those friends from whom he is forced to seek recognition and approval."<sup>2</sup>

Improved screening and the resulting increased diversion of youth from the juvenile

justice system could have another beneficial effect—a lightened caseload for the juvenile court and correctional system. Greater concentration of its manpower on the serious and more dangerous offender in the juvenile justice system should result in greater protection for the community and individualized justice for the offender.

Finally, the processes and programs of the juvenile justice system are expensive. How ex-

pensive we are not sure, but there is general agreement that it is considerably more expensive than the substitute programs outside the system.

This publication has been divided into two parts.

Part ONE discusses the role of Law Enforcement in the intake process.

Part TWO deals with Juvenile Court Intake.

#### REFERENCES

1. *Task Force Report on Juvenile Delinquency and Youth Crime*, President's Commission on Law Enforcement and Administration of Justice, U.S. Government Printing Office, Washington, D.C. 20402, (1967), p. 2.
2. Duncan D.F. "Stigma and Delinquency," *Cornell Journal of Social Relations*, Vol. 4, pp. 41-45, 1969.

## Part I

### Law Enforcement Juvenile Intake Services

#### CHAPTER 1

#### LAW ENFORCEMENT SCREENING AND REFERRAL PRACTICES

Law enforcement agencies in most communities, are given wide discretion in handling youthful offenders and in making dispositions of juvenile cases.

In essence, law enforcement agencies are governed by State juvenile codes which—in varying degrees, and depending on the age and sophistication of the law itself—dictate the general procedures to be followed in juvenile cases.

In practice, however, many law enforcement agencies have adopted procedures which do not conform with State laws, but which do divert youth from the juvenile justice system. This practice points up the need for the revision of legislation by which diversionary practices should be sanctioned by the law.

A variety of methods of operation, staffing patterns and training for juvenile work exist. There are distinct differences in recordkeeping, interview techniques and the use of discretion by staff.

Although there are marked exceptions, the basic shortcoming in many police units is a lack of guidelines and criteria in the use of discretion in arriving at dispositions regarding court referral and the use of temporary secure custody or detention.

In some States where the juvenile code mandates the delivery of juvenile violators to the custody of the juvenile court or probation department, the police (particularly in the more populated areas of the State) will delve more deeply into the individual aspects of their juvenile cases and deflect or screen a considerable number of youth from the juvenile court. It

has been estimated that law enforcement agencies are thus able to divert about 50% of their cases from the juvenile courts. In some instances, the percentage is as high as 75% or more. Despite this salutary practice of diversion from the juvenile justice system, there is still much room for improvement in the practices in many communities. There does not appear to be any hard or fast rule which serves as a total determinant in the law enforcement dispositional process. As a result, hundreds of young people throughout the country, are propelled into the juvenile courts who do not belong there or for whom there are no adequate services.

Most law enforcement juvenile officers consider the following factors in making dispositions of their juvenile cases:

1. The seriousness of the offense.
2. The age and sex of the offender.
3. The previous history or record of the offender.
4. The attitude of the youth about his conduct, himself, family and victim.
5. The attitude of the parents toward the situation and the child.
6. The availability of community-based alternatives to the juvenile court.

The dispositions generally available to law enforcement officers in juvenile cases are:

1. Outright release, (for minor offenses or in weak cases).
2. Warn and release, (with or without notice to parents/guardians, depending upon factors in #1).
3. By consent or agreement with parents/guardians and the youth, to a community-based

social service or welfare agency, or to the prevention division of the Department established in accordance with the Model Acts for Family Courts—State/Local Children's Programs Part II, Title A or Title B.<sup>1</sup>

#### 4. Referral to the juvenile court.

In general practice, most law enforcement agencies will usually refer serious criminal offenses to the juvenile court—murder, forcible rape, aggravated assault, robbery, burglary, larceny (over \$50), and auto theft.<sup>2</sup> However, there is some evidence that law enforcement does divert burglary, larceny and auto theft cases from the juvenile courts.

In some communities, law enforcement juvenile investigators go far beyond most others in handling serious crimes by juveniles. Some officers are required to investigate every facet of the case and to screen out offenders whose acts, while felonious by legal description, are nonetheless inconsistent with "felonious intent" or

are otherwise mitigated by extenuating circumstances. As a result, a youth who for example—demanded and accepted another's money or property, (on the face—a felonious act) might be diverted from the juvenile court if the officer ascertained that the act was isolated, and not a common pattern for the youth.

In other communities, juvenile officers must refer cases to the juvenile court only if a written report of the incident leading to the contact was prepared by the investigator. Such action removes discretion from the hands of the law enforcement officer and could promote negative labeling and stigmatization of youth. It could also discourage law enforcement officers from making and keeping any records of youthful law violators.

The following chapters will point out some of the areas of law enforcement juvenile intake operations which should be addressed by agencies that are concerned with diverting appropriate cases from the juvenile justice system.

## CHAPTER II

### INTAKE DETERMINATIONS AND PROCEDURES

#### Departmental Policy and Attitudes Regarding Juvenile Behavior

Police work, by its very nature, is dynamic. In any given locale, the law enforcement operation reflects the attitude of the majority of its citizens. Chiefs of law enforcement agencies are very conscious of public pressures, and it is not unusual that departmental policies are weather-vanes of perceived public attitudes.

Law enforcement takes its cues from chiefs. This process filters down through the ranks, and law enforcement officers can therefore be viewed as enforcing the laws in accordance with public demand. If that demand takes a hard line on youth, the attitude for the most part is attributable to the community itself. The community attitude also helps to explain why diversion by law enforcement intake units is accentuated by greater rates when there exists a greater amount of community-based alternatives to the juvenile justice system.

Experiences with the Office of Youth Development's youth services systems projects indicate that law enforcement agencies do divert more juvenile cases to community alternative programs when they become aware of their existence and are conscious of their potential. Community clamor for changes in the processes which help to stigmatize youth are followed by changes in the posture and practices of agencies which may impact negatively upon youth.

#### State Statutory Requirements: Police Discretion

Juvenile codes and laws vary greatly from state to state. As with community attitudes, they reflect the general values and mores of the people of the State at the time the law was adopted.

Very few State laws expressly authorize the use of discretion by law enforcement in the handling of juvenile cases. Indeed, most State

laws are silent on this issue. Others specify that discretion should rest with their juvenile courts and/or probation departments only.

The use of police discretion in juvenile cases has been reported and recommended in several Federal publications,<sup>3</sup> as well as by other authorities--public and private.

It is almost impossible to accurately estimate the actual number of cases diverted, since many law enforcement agencies do not keep formal records of all of their contacts with juveniles, particularly for minor offenses.

An Office of Youth Development publication,<sup>4</sup> will assist the States in drafting new juvenile statutes that address the thorny issue of the redefinition of juvenile court jurisdiction, consistent with the protection of both youth and the public.

Among its major recommendations is a suggestion for strong and efficient State or locally administered programs of delinquency prevention and treatment outside of the juvenile justice system.<sup>5</sup> The type of organization is left to the discretion of individual States--to be mandated by enabling legislation, and to permit the designated agency to effectively carry out and implement the program.

Under such a system, the referral of youth to the State or locally administered delinquency prevention program by law enforcement agencies, schools, parents and other agencies, would not carry with it the concomitant stigmatization so prevalent with referral to the present juvenile justice system.

Law enforcement agencies and personnel offer varied reasons--real or imagined--for their referral of so many inappropriate cases to the juvenile courts. The most common argument offered is the requirement of State juvenile laws. Practices in many locales, however, do not support this contention. Discretion is practiced by many law enforcement juvenile staffs--their State laws notwithstanding. Again, while this



practice may be commendable from the point of view of those who would reduce referrals to the juvenile courts, it points up the need for legislative revision.

It should be remembered that law enforcement practices can, in essence, overtax the operation of any juvenile court by the indiscriminate referral of all kinds of cases to that court, especially during those periods when any given community or department decides to concentrate on a strict enforcement of the juvenile codes.

### Juvenile Arrests and Records

The handling of juvenile arrests and subsequent investigations vary among many law enforcement agencies. While there is no procedure that should dictate the exact investigative methodology for each Agency in every case, the following suggestions will assist agencies in preparing and maintaining necessary records and reports, and in facilitating the diversion of appropriate cases from the juvenile justice system.

State laws give law enforcement officers the right to take into custody youth who are apprehended in the commission of crimes or unlawful acts, and to charge them with the law violation(s). Departmental policies generally govern the specific action to be followed in such cases.

Most juvenile cases are initially handled by uniformed officers in the field since they are usually the first law enforcement units to arrive at the scene of a crime.

When field officers arrest juveniles and charge them with crimes, the juvenile unit or division should be notified at once, so that qualified specialists may assist in the investigation which ensues. Cases which require extensive handling, or the investigation of corollary leads, should be handled by the staff of the juvenile unit or division. This is particularly important where they would require field officers to leave their assigned posts or sectors for appreciable time periods.

Since not all cases handled in the field will require follow-up action, it is recommended that law enforcement agencies establish strict criteria for field dispositions that will preclude the forwarding of unnecessary juvenile reports for follow-up investigations.

Arrests of youth by officers assigned to all other departmental units should be reported to the juvenile unit on specified forms, so that up-to-date records may be maintained. Arrest dispositions, when available, should similarly be reported to the juvenile unit on specified forms.

Reports sent to the juvenile unit should be filed under rigid security, and be made available only to other members of the Department, other law enforcement agencies, and/or the personnel of the juvenile court or probation department, on a NEED-TO-KNOW basis. This sealing and purging of these reports and records should be maintained, pursuant to Section 46 of the Model Acts For Family Courts and State/Local Children's Programs which states:

(a) The court shall, by rule, require all law enforcement agencies to take special precautions to ensure that law enforcement records and files concerning a child will be maintained in such a manner and under such safeguards as will protect against disclosure to any unauthorized person. Unless a charge of delinquency is transferred for criminal prosecution under Section 31, (Transfer to the adult criminal court for trial), or the court otherwise orders in the interests of the child or of national security, such records and files with respect to such child shall not be open to public inspection nor their contents disclosed to the public.

(b) Inspection of such records and files is permitted by the following:

(1) a family court having the child currently before it in any proceeding;

(2) the officers of public and nongovernmental institutions or agencies to which the child is currently committed, and those responsible for his supervision after release;

(3) any other person, agency, or institution by order of the court, having a legitimate interest in the case or in the work of the law enforcement agency;

(4) law enforcement officers of other jurisdictions when necessary for the discharge of their current official duties;

(5) a court in which he is convicted of a criminal offense for the purpose of a presentence report or other dispositional proceedings, or by officials of penal institutions and other penal facilities to which he is committed, or by a parole board in considering his parole or discharge or in exercising supervision over him; and

(6) the parent, guardian or other custodian and counsel for the child.

(c) Whoever, except as provided by this section, discloses or makes use of or knowingly permits the use of information concerning a juvenile known to the police, directly or indirectly derived from police records or files or acquired in the course of official duties, upon conviction thereof shall be guilty of a misdemeanor.

### Investigation of Juvenile Cases

Investigations concerning juveniles should be conducted in an atmosphere of privacy, in appropriate settings, and with all of the necessary rights and privileges given to juveniles as are afforded in adult cases. Especially important is the right to, and provision of legal counsel. Civil rights laws and the decisions of the United States Supreme Court make such treatment mandatory.

Law enforcement officers, particularly juvenile specialists, should treat every juvenile case subject without any pre-conceived notions of deserved punishment. The legal definition of the crime itself should not always serve as a bar to diversion, even in some felony cases. The basic consideration of the safety of the public may often require immediate arrest and court referral. But, where the public safety or the safety of the youth is not the prime consideration, such other factors as age, behavior patterns, amenability toward re-direction, family support/cooperation and victimless crime, could be considered for arriving at the final disposition.

Reliance by officers on a youth's "previous history or record" can sometimes cloud the investigational or dispositional process. Previous records of juvenile cases which have not been sealed or purged from the files may contain unsubstantiated reports or charges which can weaken rather than reinforce a current case against a juvenile, and should not be utilized.

### Law Enforcement Discretionary Practices

Some law enforcement juvenile units operate on a very clearly-defined basis regarding criteria for diversion from the juvenile courts, and in the use of discretion.

Others are seemingly without departmental guides, direction or policy. In such units, staff assigned are likely to handle juvenile cases on a purely personal basis. If the officer is preven-

tion-oriented, the use of discretion is possible. If there is no firm departmental policy regarding diversion or guidelines for the handling of cases, the officer may be more likely to refer to the juvenile court than not. Young people who are handled by such units and staff run the risk of being referred to the juvenile courts more frequently than youth handled by agencies which operate with clear-cut policies and guidelines.

Law enforcement agencies should prepare and disseminate written guidelines and procedural manuals for their personnel in the handling of juvenile cases. Variations among agencies in their practices concerning arrest, detention and referral to the juvenile courts are directly attributable to this lack of standardized procedure and obviously account for the high percentage of inappropriate cases sent to the juvenile courts.

All law enforcement officers should be trained and made aware of their departmental policies regarding the handling of juveniles and the use of discretion.

Discretion should be practiced on an equal basis for all youth, without regard to race, color, creed, sex, economic status, influence or personal appearance. A youth's attitude to the investigating officer, which will vary with the style and attitude of the officer in each case, should not be highlighted by the investigator. Young people will react in different ways during periods of stress, and first appearances are often deceiving.

A study by Piliavin and Briar,<sup>6</sup> documented the fact that law enforcement personnel tend to hold for court and/or securely detain certain youth on the basis of their "attitudes." Attitude factors included surliness, lack of respect, talking back to the officer, the use of curse words, etc. Other factors frequently considered were mode of dress, residence in the poorer sections of the city, hair styles, etc. The result of such a process is that a sophisticated youth, by showing his "best side" or apparent remorse for his involvement, could deceive the officer into making a favorable disposition in the case (outright release or citation to court) even though the facts of the case itself might warrant a referral to court, or secure custody pending court hearing. The youth with a negative attitude, on the other hand, was likely to wind up in the juvenile court, even though a more appropriate disposition could be referral to an alternative service in the community.

## Detention Practices

The right to detain is tantamount to the right to imprison or otherwise to deprive another of his or her liberty. This right is usually reserved by States to the courts alone. In far too many instances the decision for secure custody or detention is based upon arbitrary judgement. The malpractice of detention is prevalent where specific law enforcement-court guidelines are absent, or where the juvenile court detention responsibility has been abrogated by design or common practice.

When an officer arrests a juvenile for just cause, the decision to apply for secure custody or detention must remain a judgmental value on the officer's part, based upon the results of the investigation which follows. The departmental policy regarding the recommendation however, should be based solely on two criteria:

1. When the youth in custody is legally wanted by other authorities, such as an escapee from an institution or from probation/parole.
2. When the youth in custody is a definite danger to the public safety, and his or her release would pose a threat to that safety.

In all other instances, when the decision is made to send juveniles in custody to the court, the youth may properly be released to parents, guardians, responsible relatives, etc., who will be held accountable for the youth's later appearance in court. This process (commonly referred to as "citation") has many advantages, and should be encouraged.

When secure custody or detention is required, pursuant to these Guides, the investigating officer should notify the juvenile court judge (or the person(s) designated by the judge as detention intake for the court) of the facts of the case at issue, and request permission to deliver the youth to the designated facility for temporary, secure custody. Section 19(b)(1) of the Model Acts for Family Courts and State/Local Children's Programs states:

### Section 19. RELEASE: REFERRAL OR DELIVERY OF CHILD

(b) A person taking a child into custody pursuant to the provision of subsection (2) and (3) of Section 18 (FOR A DELINQUENT ACT PURSUANT TO THE LAWS OF ARREST) shall, with all possible speed, and in accordance with the provisions of this Act and the rules of court pursuant thereto:

(4) if not released, bring the child to the Intake Office of probation services or deliver the child to a place of detention or shelter care designated by the department and, in the most expeditious manner possible, give notice of the action taken, together with a statement of the reasons for taking the child into custody, in writing, to the intake office, to the court, and orally and in writing to the parent, guardian or other custodian of the child.

When the youth is delivered to the designated facility a full report of the incident causing the request for detention should accompany the youth for the attention of the designated detention intake officer of the facility. The final decision to detain or not to detain must remain with the detention intake officer.

Youth who pose a danger to themselves, such as those mentally deranged or those with suicidal tendencies, do NOT belong in jails, but should be placed in hospitals, mental health, or shelter-care facilities where necessary medical attention is available.

Law enforcement agencies should prepare and include in their procedural manuals guidelines for their personnel concerning action to be followed when the decision is made that a youth in custody is to be referred to the juvenile court.

Rules governing detention and shelter care procedures should be worked out in accordance with guidelines mutually agreed upon by the law enforcement and juvenile court/detention intake personnel concerned, and be made part of the "working agreements" discussed in the next section.

### Working Agreements with Other Youth-Serving Agencies

Law enforcement agencies should require their juvenile staff to catalog and maintain up-to-date files and contacts with the community's major, active youth-serving agencies: private as well as public.

This practice would facilitate the referral of juvenile cases to community-based care when the facts of the case would warrant such referral.

Juvenile staff should be required to periodically call upon the youth-serving agencies in their districts to continue personal contact with key staff in these agencies, and to help establish and maintain rapport. Experience has shown that informal contacts sometimes pave the way for the establishment of effective formal work-

ing agreements between law enforcement and youth-serving bodies. Such contacts also assist staff in procuring needed services for youth outside of the traditional juvenile justice system.

Juvenile division commanders or appropriate staff in the department should be given the authority by the Departmental head, or other necessary local authority as required by law, to participate in the development of formal agreements with the community youth-serving agencies (particularly with juvenile court intake units, youth service bureaus and probation departments) with regard to the handling and disposition of juvenile cases.

When, after due consideration, procedures for operation have been agreed upon by all of the parties concerned, formal agreements should be reduced to writing. The roles, tasks and functions of each party to the agreement should be carefully spelled out. When this is done, the appropriate departmental officer or local official should be empowered to sign necessary documents in relation to the implementation of the agreements.

All parties should be required to furnish their respective personnel with up-to-date, loose-leaf procedural manuals which define their operations. Periodic meetings should be held by all of the parties to the agreement to bring to light and resolve any difficulties encountered in the performance or requirement of the parties, and to update or amend practices if necessary. Changes necessitated by these reviews must be recorded and made available to all respective personnel, in writing, for inclusion in procedural manuals.

#### Availability of Community-based Activities

In many locales, the presence of community-based alternatives to the juvenile justice system act to increase diversion at both the law enforcement and juvenile court intake levels. This is particularly significant in those areas where on-going youth services systems and/or youth services bureaus have established alternatives which make it expedient for the police and the courts to refer their cases—especially non-criminal offenses.

In practice, law enforcement agencies do support diversionary efforts. However, strong working agreements among cooperating agencies; flexible written guidelines; and above all, enabling legislation mandating diversion, are essential for institutionalizing the procedures.

Referrals to community-based alternatives to the juvenile court must be preceded by the consent of the juvenile and his or her parents/guardians. Law enforcement officers should not use diversion to community-based services as a form of sanction against youth or their parents/guardians.

#### Inappropriate Referrals

##### Status Offenses

It has been estimated that almost 40% of all cases handled by the juvenile courts are "status" cases, i.e., those type of offenses which are criminal only for youth, but which are not crimes when committed by adults. These include truancy, running away from home, curfew violations, ungovernability, smoking, drinking, etc.

Status offenses succeed only in cluttering juvenile court calendars and take a heavy toll of the time of court personnel which could better be spent in handling the court's more serious youth delinquency cases.

Law enforcement agencies are, to a large extent, the prime source of referral of status offenses to the juvenile courts. Frequently, this practice is necessitated by the paucity of community-based alternatives, the provision of State juvenile codes, or both. The Model Acts for Family Courts and State-Local Children's Programs require alternative services for youth who are status offenders.

Law enforcement agencies can achieve a giant step forward in youth development by initiating local restraint in the referral of status offenses to the juvenile courts.

##### Neglected Children

The Model Acts for Family Courts and State/Local Children's Programs, Part I, Sec. 2, under "Definitions," defines a neglected child as one:

- 1) who has been abandoned by his parents, guardian, or other custodian;
- 2) who is physically abused by his parents, guardian, or other custodian or who is without proper parental care and control necessary for his well-being because of the faults or habits of his parents, guardian, or other custodian or their neglect or refusal, when able to do so, to provide them; or
- 3) whose parents, guardian or other custodian are unable to discharge their responsibilities to and for the child; or

4) who has been placed for care or adoption in violation of law; and

5) in any of the foregoing is in need of care or supervision.

(The term "dependent" child is not used. It is believed that the financial ability of parents to care for their children should not be a factor in removing them from their homes. In this definition, abused children are included in #2, supra.)

Many law enforcement agencies are still involved in the responsibility for, and the handling of, cases concerning neglected children.

A neglected child, however, is often a victim of family and/or social failure. Detailed investigations of child neglect require a consideration of many deep-seated social factors that go beyond the competencies of most law enforcement officers. For this reason, the full investigation of neglect cases should be handled by trained staff of the community's designated child protective agency.

Law enforcement agencies usually become involved in neglect cases by virtue of the fact that they are the first public agency called when the safety of children is endangered. When an allegation of child neglect is received, it may become the duty of the law enforcement agency to preliminarily investigate the circumstances. If warranted, the child protective agency should be immediately notified of the facts, and the case referred to that authority for further handling.

During this period, if it becomes necessary to remove a child from a dangerous environment, child victims of neglect should NOT be placed in any jail or detention facility used for delinquents. The law enforcement agency could cooperate by delivering the child to a designated shelter-care facility, if required. In cases initiated by the child protective agency, officers could be assigned to assist the personnel of the protective agency, when requested, in lawfully removing children from dangerous environments.

Procedural manuals should contain guidelines which, when augmented by local working agreements with the designated community protective agency, require personnel to refer cases involving neglected children to the child protective agency for necessary care and action.

### Inappropriate Functions

Some law enforcement agencies and staff are still engaging in services for youth which are inappropriate. These include such tasks as un-

official probation, casework supervision, on-going counseling\* and the administration of recreational activities.

### Unofficial Probation, Casework Supervision and On-Going Counseling

Unofficial probation is the process by which some juvenile officers require youth who have not been referred to the juvenile court for a violation of law to report regularly to the law enforcement officer at the police station or elsewhere, on a pre-scheduled basis. Generally, the juvenile reports on his activities since the last visit was made, and receives encouragement/admonition/advice, (as warranted), from the officer. In some departments, the youth is not required to report regularly, but the assigned officer indicates that the department is supervising the case.

This process is not only an inappropriate function for law enforcement, but can be, on its face, a coercive sanction applied without due process of law.

Official or unofficial probation is not a law enforcement function.

The International Association of Chiefs of Police takes the position that law enforcement officers should not engage in official or unofficial probation, nor in on-going counseling.\* The provision of case work supervision by law enforcement officers is closely akin to unofficial probation or on-going counseling, and is likewise an inappropriate function.

### Recreational Administration

Many law enforcement agencies assign officers to administer diverse recreational activities for youth under the auspices or sponsorship of the department. While there is no compelling argument for prohibiting law enforcement to encourage such programs, (it is even conceded that the programs may assist the department in building good police-youth relations) it is nonetheless inappropriate for law enforcement officers to be officially assigned as recreational administrators

\*The handling of youth in trouble with the law requires investigatory techniques and subsequent advice or referral by the officer which could, semantically, be called "counseling." The authors do not suggest that this type of handling is the same as the giving of continuing services in counseling, nor do they suggest that this interview and referral process is inappropriate for law enforcement juvenile officers.

or counselors, on a paid basis, as part of their official duties.\*

Recreational activities and resources are part and parcel of the services provided its citizens by most communities. However, when they are offered, the community owes it to its citizens to also provide competent, professional personnel to supervise the activities offered.

When a law enforcement agency engages in sponsoring youth recreational programs for the community's youth, these programs, too, should be administered by paid, competent and professional civilian personnel.

Individual law enforcement officers who are competent recreational or sports instructors could be encouraged to volunteer their services on their off-duty hours. Further, law enforcement officers should not be used to solicit funds from the public for the support of the community's or department's recreational programs, as

such a practice could lead to conflictory roles in enforcing the laws. (See Kobetz, op. cit., THE POLICE ROLE AND JUVENILE DELINQUENCY, pp. 137-8, for a fuller discussion of this subject).

Law enforcement agencies should not generally undertake the provision of services which are inappropriate to their basic missions.

An important function of the juvenile specialist is the referral of youth who require services to those public and/or private agencies which provide them professionally. If a given community does not possess the services required by youth, it becomes incumbent upon the law enforcement agency to bring the deficiency to light. To do otherwise merely delays the day when the community itself will assume its responsibilities for youth, and serves only to dilute law enforcement manpower in the performance of its other necessary and more appropriate tasks.

\*The operation of educational police-juvenile relations programs, such as riding with an officer in a patrol car, visits to police headquarters, teenagers patrolling their neighborhoods, etc., are not considered by the authors as constituting recreational activities, nor is there any objection to police involvement in such activities.

## CHAPTER III

### ORGANIZATION AND ADMINISTRATION FOR JUVENILE SPECIALIZATION

Law enforcement agencies, while generally consistent nationwide in terms of mission, vary widely in regard to their handling of juvenile cases.

There are noteworthy differences in such aspects as specialization for work with juveniles, the size of the juvenile unit or division, the autonomy of the unit or division in the agency's hierarchical structure, hours of operation of the unit, and the assignment and training of personnel.

#### Specialization for Work with Juveniles

When one considers that youth under 18 years of age were involved in 31% of the total arrests for serious crimes,<sup>8</sup> the need for the adequate assignment of police manpower and resources in juvenile work becomes accentuated.

Almost all of the large law enforcement agencies, and even most of the medium-sized agencies, are structured for specialization in juvenile work. Many small-sized departments (those containing fewer than 15 sworn officers) have also assigned personnel and resources to handle juvenile cases.

The National Advisory Commission on Criminal Justice Standards and Goals,<sup>9</sup> suggests that every police agency having more than 15 employees should establish juvenile investigation capabilities and that agencies having more than 75 employees should establish juvenile investigation units.

In the opinion of many authorities in the field,<sup>10</sup> every law enforcement agency, regardless of size, should have at least one officer who devotes all or part of his time to responsibilities for handling complaints and cases affecting juveniles.

#### Size of the Juvenile Unit or Division

There exists no patent formula for the assignment of officers to juvenile work. The Interna-

tional Association of Chiefs of Police<sup>11</sup> has ascertained that the number of law enforcement juvenile officers per 100 officers is 2.7% (out of a total of departments with a combined number of 202,877 officers).

Since the amount of work will differ with each department, the size of the unit will necessarily depend upon the volume and intensity of the investigations conducted by the unit.

The concept of operations, however, is the same for all law enforcement juvenile units, regardless of size. Large as well as small units essentially perform the same kinds of work, particularly if the unit is committed to delinquency "prevention." Experience over a given period of time will enable agency heads to determine the manpower needs of their juvenile units.

Agency heads must consider many factors in their decisions to establish juvenile units or divisions. While the prevailing factor will remain the cost of the operation in terms of manpower and resources required, such other factors as the extent of juvenile involvement in crime in the community, public demand, and the entire departmental philosophy regarding specialization of any kind, must also be considered.

Where the decision is made for specialized juvenile units or divisions, the result must be more than mere tokenism. Adequate manpower and resources must be allocated, and serious thought given to the placement of the unit in the departmental hierarchy. (See following sections on Placement of the Juvenile Unit in the Departmental Hierarchy and Autonomy of the Juvenile Unit).

There does not appear to be any correlation between the size of a given juvenile unit or division and its effectiveness. Equally important is the philosophy and orientation of the unit itself in regard to crime prevention.

The staff of the juvenile unit should be dedicated in high degree toward crime prevention rather than to high scores for juvenile



arrests. The gauge of efficiency should not be the number of delinquency adjudications attained, but rather the number of youth "deferred" from serious criminal careers.

The juvenile specialist should be concerned with how many youth were diverted from the courts, particularly for status offenses; how many boys and girls were stopped from truancy school; how many home adjustments were achieved by talking to parents, guardians, counselors; how many cases were closed by referral to social/welfare agencies, and how many young people were successfully interested in lawful pursuits as a substitute for aberrant behavior.

#### Placement of the Juvenile Unit in the Hierarchical Organization

There is a great variance in the operational placement of juvenile units and divisions in law enforcement agencies.

It is difficult to ascertain why they appear so frequently under the aegis of the department's Detective Division. One explanation is that the rank of "detective" carries with it additional compensation in many departments, and juvenile specialists can, therefore, be financially rewarded.

While there is no compelling argument against giving juvenile specialists salaries commensurate with specialist functions, the placement of the unit in the detective division is contrary to the recommendations of the President's Commission on Law Enforcement and Administration of Justice in its "Task Force Report on Police."<sup>12</sup> Here, the juvenile unit is suggested as an autonomous operational division on a line level with such other divisions as Patrol, Traffic, Detective and Vice.

Detective divisions have a very definite and vital place in police organizations. Very few law enforcement agencies could operate efficiently without a well-trained and competent investigative arm. One danger in placing the juvenile unit within the detective division is that, for the most part, detective functions are "clearance" oriented, i.e., the primary duty is to make arrests for crimes reported. The juvenile unit, on the other hand, is, or should be, concerned more with prevention activities and the screening of appropriate cases from the juvenile justice system. Placement of the unit within a detective division could result in a conflict of philosophy. While it is conceded that prevention activities

could be carried on under the aegis of a detective division, what is most necessary for any unit, regardless of where it is placed in the hierarchical structure of the agency, are guides and criteria for screening and diversion in appropriate cases.

#### Autonomy of the Juvenile Unit or Division

The autonomy of the juvenile unit or division sets the stage for how the unit will operate, how it sees its functions, how assigned staff view their tasks, and how other departmental units or divisions view and treat it.

Juvenile units which do not enjoy autonomous status are subject to many abuses from within the department organization. For example, some units are saddled with extraneous and inappropriate functions. These include bicycle registrations (more appropriately a function for the Traffic Division or perhaps the Property Bureau); missing persons reports for all ages of people (more appropriately a function for the Detective Division); the investigation of all sex cases, regardless of the age of the victim or perpetrator (more appropriately a function for the Detective Division or even the Vice Division), and the service of administrative code violations, (a civil code process)-a function totally inappropriate to law enforcement!

Some juvenile units which are placed within other major operational units enjoy less prestige than the parent unit themselves. Staff in these units are sometimes referred to by other officers as "kiddy cops," "the lollipop squad" and in other far more derogatory terms. While no effort has been made to evaluate the psychological impact, if any, on the officers, or its effect upon their work, it is readily discernible that some of them are embarrassed and often irate about their status and function in the eyes of other officers.

The lack of autonomy has other disadvantages, not the least of which is the "raiding" of personnel in times of need by the parent unit as well as by other major divisions. In view of the heavy involvement of young people in crime and delinquency, such action is short-sighted.

Some of the advantages that could accrue to an autonomous unit include:

(1) Direct access to the Chief for the receipt of instructions and orders, and the direct transmittal to him of the status of the department's activity with youth in the community;



(2) A direct chain-of-command to and from the unit's commander and subordinates, in conformance with the most accepted standards of organizational management, and

(3) The improved status and prestige of unit staff in their own views as well as in the eyes of other specialist personnel.

For these reasons, it is recommended that law enforcement agencies which include juvenile units in their hierarchical structure, place these units on a line level with other major departmental operational units.

### Hours of Operation for the Juvenile Unit

Young people are most likely to get into trouble with the law during their free hours--after school, holidays, and weekends. It is therefore, imperative that law enforcement and other legally mandated services for youth be available at all times, especially during peak hours.

Juvenile units must be manned with sufficient personnel in accordance with needs, 24-hours-a-day, seven days a week. In small agencies, off-duty specialists could be on call. Departmental procedural manuals should be available and kept up-to-date so that, if necessary, other members of the department can be properly guided in handling juvenile cases that arise when specialist staff are unavailable.

Units which fail to provide services other than from 9:00 A.M. to 5:00 P.M., Mondays through Fridays (except holidays) are short-changing the youth of their communities. Experience over a given period of time will assist juvenile unit commanders to schedule staff in accordance with requirements.

### Assignment and Training of Personnel in the Juvenile Unit

Officers selected for assignment to juvenile units or divisions should be carefully screened. Criteria for selection should not be based on favoritism or partisanship, but rather on ability. Officers should be assigned by the Chief of the department with the consent of the unit commander. Assignment to the unit initially should be on a detail basis rather than permanently. The detail should be contingent on the officer's efficiency ratings and ability to perform satisfactorily. Officers who do not measure up to

accepted standards should be reassigned to other duties in the department.

The basis for assignment should be

#### 1. Empathy

Empathy or understanding is a vital ingredient for a law enforcement juvenile specialist, if he or she is to be able to reach out to young people and relate to their needs.

Officers must be able to understand what young people think and feel; why their value systems sometimes seem to clash with establishment values; and particularly, why they sometimes appear to be alienated toward others in society. Most importantly, juvenile specialists have to "like" young people and enjoy working with them.

By the very nature of their work, personnel in the juvenile justice system must make every effort to understand those whose behavior appears different from accepted norms. The assignment of officers of the same ethnic backgrounds as those troublesome youth in high delinquency areas, or even the assignment of officers who have a deep understanding of community problems and who speak the predominant language(s) of the area, goes a long way toward improving police-community relations.

#### 2. Education and Training

Ideally, every law enforcement officer should be specially trained for work with juveniles. Uniformed patrol officers are generally any agency's first contact with youthful offenders. Wattenberg and Bufe,<sup>13</sup> have documented the fact that the first contact a youth has with a law enforcement officer can set the stage for success or failure as far as future violations are concerned. Every law enforcement officer should receive at least 20 hours of instruction on juvenile procedures, concepts and philosophies, as part of a State's mandated basic training program. In addition, periodic in-service training suggested at 40 hours per year, per officer<sup>14</sup> - should include intermediate and advanced courses in police-juvenile work.

Law enforcement juvenile specialists should be required to receive additional specialized training in such subjects as juvenile law, procedures, concepts, and developmental psychology of adolescence. They should be required to attend, at Departmental expense, institutes and seminars on police work with juveniles which are recognized by competent educational authorities.

The work of assigned personnel should be reviewed periodically by the department chief and the unit's commander as a basis for the decision on the continuation of the assignment. If the departmental policy is to reward specialists with extra compensation, juvenile specialists should be included in this category.

Preference for assignment to the juvenile unit could be given to officers with college degrees or those who have completed course work in the behavioral sciences. In addition, those who have completed attendance at institutes and seminars on police work with juveniles should be considered in making assignments. Preference could also be given to those with previous experience in such occupations as social work, big brothers/sisters, scouting, boys/girls clubs, social service volunteers, and the like.

### 3. Experience in Law Enforcement

The value to a law enforcement agency in the assignment of personnel to any specialist

function is enhanced when selected officers possess experience in general law enforcement duties.

In the realm of juvenile specialization, it is important for officers to possess specific information on such things as high delinquency areas, available youth resources, the composition of anti-social youth gangs and the modus operandi of youth involved crimes. This knowledge, together with experience in handling family disputes, youth conflicts, complaints by victims of criminal offenses and good police-public relations enhances a juvenile officer's value. For these reasons, it is recommended that law enforcement officers have at least one year's experience in general patrol before they are considered for assignment to the juvenile unit or division.

## CHAPTER IV

### SUMMARY OF GUIDES FOR LAW ENFORCEMENT SCREENING OF JUVENILE CASES

1. Where conditions and availability of personnel warrant, law enforcement agencies should establish and maintain juvenile control units or divisions. In small agencies, at least one officer who devotes all or part of his time to the handling of complaints and cases affecting juveniles should be assigned. (see p. 11)

2. All sworn personnel in law enforcement agencies should receive at least 20 hours of basic training in the concepts and philosophy of enlightened law enforcement work with juveniles, and in the procedures for the handling of juvenile cases. Mandatory in-service training should include intermediate and advanced course work in these subjects. (see p. 13)

3. Personnel assigned to juvenile divisions should be selected on the basis of their empathy, education and experience/training for this work. Juvenile specialists should be required to receive additional intermediate and advanced training, suggested at 40 hours per year, per officer, in appropriate subjects. (see pp. 13-14)

4. Initial assignment to the juvenile unit or division should be on a detail basis and the caliber of work performed should be the basis for the continuation of the assignment. (see p. 13)

5. Where established, juvenile divisions should be in operation seven days-a-week, 24 hours-a-day. In smaller departments, staff could be "on call" if not actually present. Extra staff should be assigned at necessary peak hours. (see p. 13)

6. Law enforcement agencies should prepare and disseminate procedural manuals to all sworn personnel containing explicit guidelines for the handling of juvenile cases, especially with respect to field dispositions, follow-up requests, detention and diversion from the juvenile courts. Procedural manuals should be periodically revised and up-dated. (see pp. 5, 6, 7)

7. Law enforcement juvenile divisions should be required to catalog and maintain

up-to-date records of, and contacts in, the major, active community-based youth-serving agencies. Such a procedure will facilitate the referral of appropriate juvenile cases. (see p. 6)

8. Law enforcement agencies should enter into formal and informal agreements with major, active youth-serving agencies, which delineate the action to be taken in handling and referring juvenile cases. Agreements resulting in formalized procedures should be incorporated into the departmental procedural manuals. (see p. 7)

9. Law enforcement agencies should encourage and train their personnel to practice the diversion of appropriate cases from the juvenile courts to community-based alternatives. Diversion to community-based alternatives should be preceded by the consent of the juvenile and his or her parents/guardians. Diversion should not be used as a form of sanction. (see p. 7)

10. Juvenile records on file in a law enforcement agency's juvenile division, or elsewhere, should be periodically sealed and purged, if appropriate. Juvenile records should be made available only to those with a need-to-know status, pursuant to law. (see p. 4)

11. The investigation of juvenile cases should be conducted in an atmosphere of privacy, with all of the constitutional rights and safeguards given to juveniles as are afforded in adult cases, especially the right to and provision of legal counsel. (see p. 5)

12. The practice of discretion by law enforcement officers in juvenile cases should be authorized by law. Discretion should be practiced on an equal basis for all youth, regardless of race, color, creed, sex, economic status, influence, etc. Guidelines for the use of discretion should be included in departmental procedural manuals. (see p. 5)

13. In the practice of discretion, law enforcement officers should consider each juvenile case on an individual basis. Reliance on a youth's previous history or record should be de-emphasized.

when other factors in the background of the case could shed some light in arriving at an equitable disposition. (see p. 5)

14. The main criteria for the recommendation of secure custody or detention in juvenile cases should be: 1) the youth is legally wanted by other authorities, 2) the youth is a danger to the public safety. The practice of "citation" to court at a later date should be encouraged in appropriate cases. (see p. 6)

15. Law enforcement officers should not be swayed by personal bias in the process of determining the disposition of juvenile cases. The imposition of sanctions is not a police function, and should be left to the courts to determine. (see p. 5)

16. Law enforcement agencies and their juvenile staff should where possible, refrain from referring status offenses and neglected childrens' cases to the juvenile courts, particularly when other alternatives are available. When alternatives are not available, the agency heads should highlight the need for these alternatives to the appropriate local authorities. (see pp. 7-8)

17. Law enforcement officers should not engage in the practice of informal probation, casework supervision, on-going counseling or recreational administration. (see pp. 8-9)

18. Juvenile units or divisions in law enforcement agencies should be structured as autonomous operational divisions, on a line level with other major operating units. (see p. 13)

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TABLE I

LAW ENFORCEMENT INTAKE DECISIONS AND DISPOSITIONS

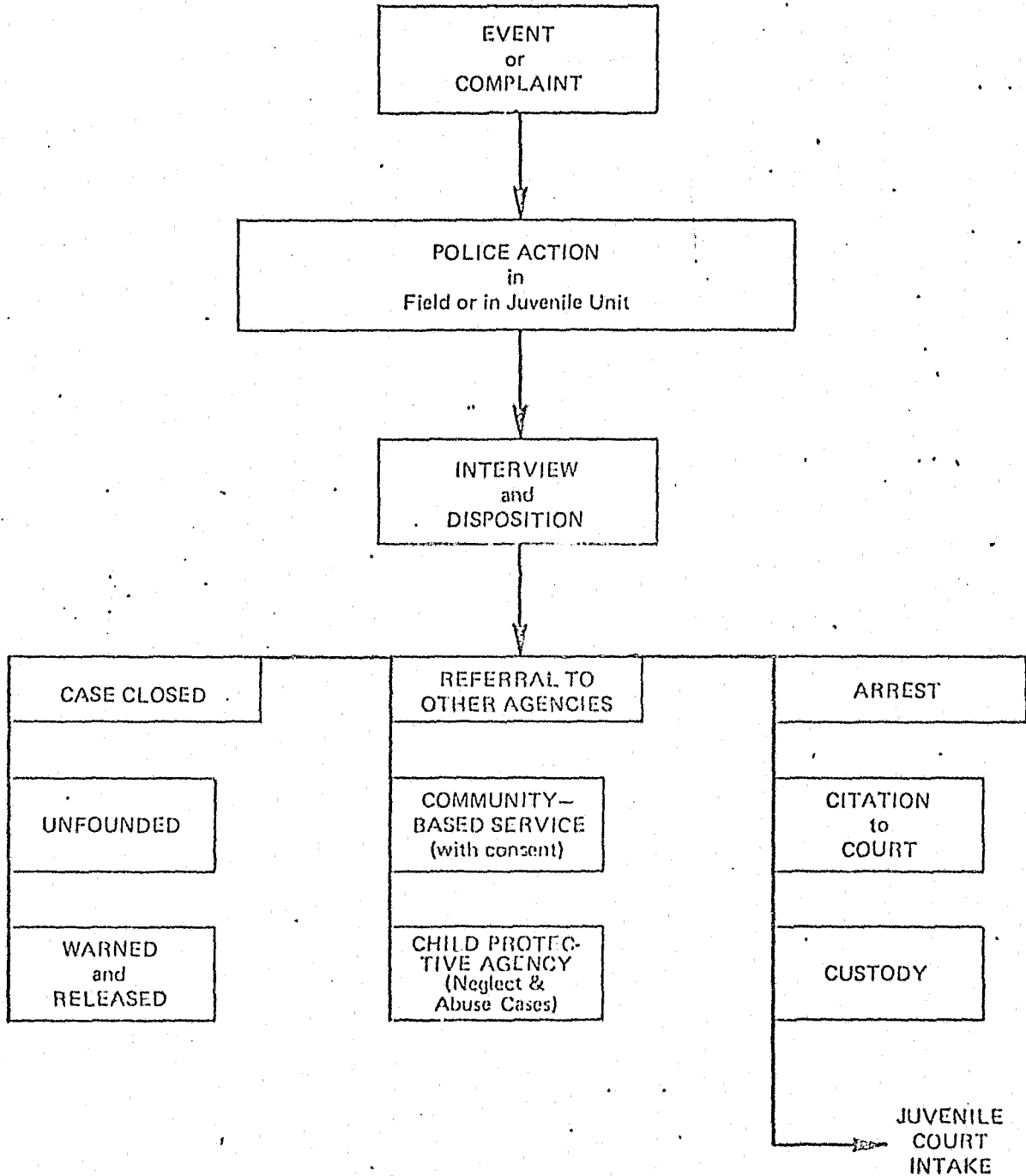
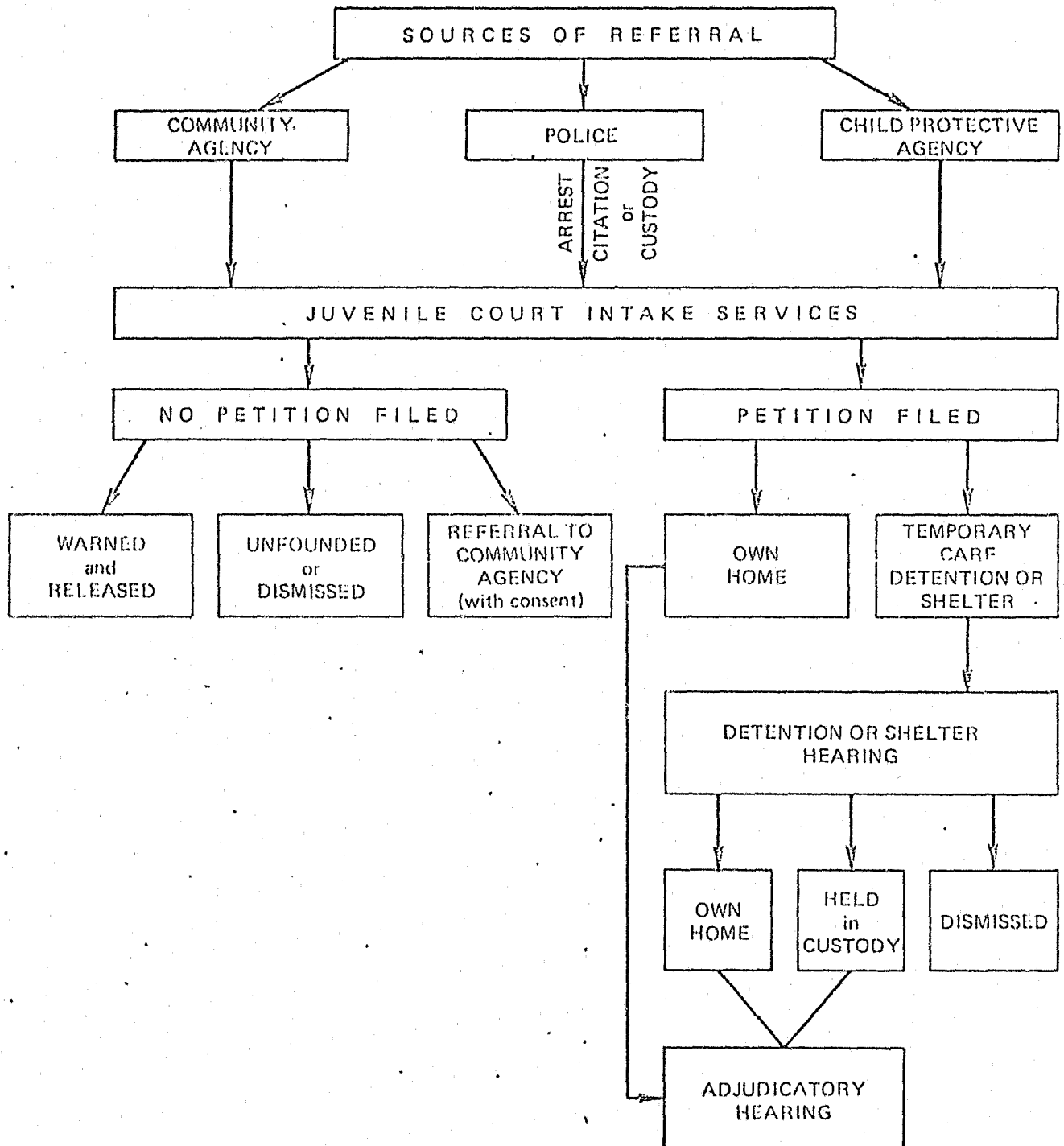


TABLE II

JUVENILE COURT INTAKE DECISIONS AND DISPOSITIONS



## PART II

### JUVENILE COURT INTAKE SERVICES

#### CHAPTER V

#### JUVENILE COURT INTAKE

A prominent Juvenile Court Judge has described juvenile court intake as a unique and valuable tool.

"Intake is a permissive tool of potentially great value to the juvenile court. It is unique because it permits the court to screen its own intake not just on jurisdictional grounds, but, within some limits, upon social grounds as well. It can cull out cases which should not be dignified with further court process. It can save the court from subsequent time-consuming procedures to dismiss a case. It provides an immediate test of jurisdiction at the first presentation of a case. It ferrets out the contested matters in the beginning and gives the opportunity for laying down guidelines for appointment of counsel and stopping all social investigation and reporting until the contested issues of fact have been adjudicated. It provides machinery for referral of cases to other agencies when appropriate and beneficial to the child. It gives the court an early opportunity to discover the attitudes of the child, the parents, the police, and any other referral sources. It is a real help in controlling the court's caseload, because it operates in the sensitive area of direct confrontation with the police, the school and other community agencies, intake can make or break the community's good communication with and understanding of the juvenile court's role."<sup>1</sup>

The fact is, however, the intake process of the juvenile court varies extensively throughout the Nation.

In some communities it is a perfunctory service handled by staff who do little more than receive and log complaints and police reports for further processing in the court.

Some courts do not recognize the need for intake service and as a result authorize the filing of petitions in virtually all cases coming to the court's attention.

Yet, despite these variances, most juvenile courts identify intake services as a necessary and vital service. Although there is general agreement on the need for an intake service, practices among intake workers reveal there is no agreement on how the service should be performed or how decisions should be made. There are no standards or guidelines in the field except for the recently published reports on the National Advisory Commission on Criminal Justice Standards and Goals.

The report on Corrections of the National Advisory Commission includes standards for Juvenile Intake Services.<sup>2</sup> While these standards are a welcome beginning toward national leadership for improved intake practices, the subject is addressed in a generalized manner and does not include a number of specific intake determinations and procedures which are included in this publication.

#### Legal Basis for the Intake Process

The concept of intake through some sort of preliminary review by staff providing intake services for the juvenile court has gained wide acceptance. Most State juvenile codes, the

Standard Juvenile Courts Acts, and the more recent HEW Model Acts for Family Courts and State-Local Children's Programs provide for a preliminary inquiry to determine whether the interests of the public or of the child require that future action be taken.

"Complaints alleging delinquency or neglect shall be referred to the intake office of probation services. The intake office shall conduct a preliminary inquiry to determine whether the best interest of the child or of the public require that a petition be filed. If judicial action appears necessary the intake office may recommend the filing of a petition, provided however, that all petitions shall be prepared and countersigned by the prosecutor before they are filed with the court. Decisions of the prosecutor on whether to file a petition shall be final."<sup>3</sup>

The preliminary inquiry or review, in practice, is interpreted in a variety of ways by juvenile courts and probation departments. In some intake offices the preliminary inquiry assumes all the elements of a criminal investigation. Intake workers gather evidence, conduct interrogations, question witnesses and make field visits.

Such activity should not be performed by intake staff because it is an inappropriate function and places the intake worker in an advisory role.

Therefore, it is essential that intake workers refer complaints requiring further investigation to an agency having statutory powers and responsibility to investigate such complaints and

recommend the filing of a petition, where such action is deemed necessary. Final responsibility for determining the validity of the complaint and sufficiency of the evidence rests with the prosecutor, who should countersign all petitions and present the evidence at the court hearing.

The preliminary inquiry is difficult to distinguish from a social study in some instances. Intake workers develop a family history probing the causative factors for a youth's behavior. They review school records and examine environmental and economic conditions for clues to the alleged anti-social behavior. Such actions before the court has held a hearing on the facts of the case is clearly an invasion of privacy. The nature of the inquiry has been clearly described:

"Juvenile Court intake process is a screening mechanism. It is essentially an office and not a field process. Rather than a preliminary inquiry or investigation, it is more in the nature of a review or evaluation of information which should be supplied by the person or agency seeking to file a petition. It can and should be an expeditious process. Exposure of children and families to a long period of uncertainty as to what is going to happen may, for many, increase tension and anxiety. For younger children, delay makes it difficult to relate to court experience to an incident which may have happened weeks before. For those in detention, delay may be a damaging experience as well as the imposition of an unnecessary economic burden upon the community."<sup>4</sup>



## CHAPTER VI

### INTAKE DETERMINATIONS AND PROCEDURES

#### Screening Practices

The nature and extent of processing varies extensively among juvenile court intake units particularly in the area of decision-making. Intake practices range from little or no screening to extensive screening and referral. Overall, the screening is generally inadequate. Large numbers of youth are still being funneled into the court for minor crimes or status offenses. (Status offenders, as used here, include all children and youth coming before the juvenile court for conduct which would not be criminal if committed by an adult. This includes children who are alleged ungovernable or beyond the control of their parents or guardian, children who are truant or runaways, as well as those who violate ordinances, regulations or statutes which are applicable to children only, such as curfew violations, the illegal use of alcohol and tobacco or attendance at activities or functions from which children are excluded by law.)

Many youth are brought to the attention of the police and the juvenile court because no community resources are available to address the special needs of acting-out children and youth, or because such resources when available are not utilized. This creates more problems than it solves. When intake personnel accept these referrals for further service in the overburdened justice system they create an illusion of services, thereby allowing the community to feel comfortable that someone has taken care of the situation.

#### Initial Contact

The initial involvement of juvenile court intake begins with the receipt of a written complaint alleging that an offense or condition of neglect brings the child within the purview of the State Juvenile Court Act. Telephone complaints or oral complaints should not be ac-

cepted at intake. Such complaints most of which require further investigation should be referred to law enforcement. Where neglect or abuse is alleged, cases should be referred to a child protective service agency for appropriate investigation.

The offense for which a juvenile may be referred to juvenile court may be an act which if committed by an adult would be considered a crime, or it may be a status offense which was defined earlier. In some instances the child is brought to intake along with the written complaint, while in other instances law enforcement agencies issue a citation notice to the child and parents to appear at intake at a later date. Intake staff should be on duty or "on call" 24 hours a day to receive complaints, particularly those requiring a decision on the need for temporary care.

#### Neglect Cases

Some State statutes include dependency and neglect in the jurisdiction of the juvenile court. The term dependency is not used in the Model Acts for Family Courts and State-Local Children's Programs because the financial inability of parents to care for their children should not be a factor in removing them from their home. The former common category of neglect has been broadened in the Model Acts for Family Courts and State-Local Children's Programs to include the category of minors in need of supervision and persons in need of supervision.

"Neglected Child" means a child:

- (i) who has been abandoned by his parents, guardian or custodian;
- (ii) who is physically abused by his parents, guardian, or other custodian or who is without proper parental control necessary for his well-being because of the faults or habits of his parents, guardian, or other

custodian or their neglect or refusal, when able to do so, to provide them; or  
(iii) whose parents, guardian, or other custodian are unable to discharge their responsibilities to and for the child; or  
(iv) who has been placed for care or adoption in violation of law; and  
(v) in any of the foregoing is in need of care or supervision."<sup>5</sup>

New procedures for handling allegations of neglect are incorporated in the Model Acts for Family Courts and State/Local Children's Programs.

"A petition alleging that a child is neglected may be signed only by one of the following persons who has knowledge of the facts alleged and believes them to be true—a representative of (1) a public or private agency providing care or social services to children and families, (2) a hospital, or (3) a mental health agency."<sup>6</sup>

These provisions are designed to keep children and youth who have not committed crimes from referral to the juvenile court, unless they have first had the benefit of services or care from the above agencies.

Referrals from the agencies to juvenile court intake services would only be necessary when, in the judgment of the agency, a change of legal status is indicated. For example, an agency working with an ungovernable youth and his family may feel that temporary separation of the youth from the family is necessary for treatment purposes.

The agency would request a temporary order of custody from the juvenile court to place the youth when total cooperation of child and parent is doubtful.

#### Factors in Decision-Making

The first decision made at the point of intake is whether the complaint is one over which the juvenile court has jurisdiction. This requires knowledge of the jurisdiction of the court and generally presents no complex legal problems.

In order for the court to have jurisdiction, certain specific conditions must be present. The youth must be within the age jurisdiction of the court; must be allegedly involved in an act or situation described by the State juvenile court act; and there must exist prima facie evidence of such involvement. Should any question arise concerning the sufficiency of the evidence, the

matter should be referred to the prosecutor for a final decision.

In cases involving an act which would be a crime if committed by an adult the nature of the act becomes very important but is not always the controlling factor. The public certainly has the right to be protected, and crimes such as murder, rape, robbery, aggravated assault, and arson are serious enough to justify the filing of a petition and the scheduling of a court hearing, assuming sufficient legal evidence.

A second factor to be considered is previous history. Access to police and court records should be readily available to determine if the youth or family are known to either agency. If the case is active with the court, the youth's probation officer should be consulted. However, this does not shift any of the intake decisions from the intake worker to the probation officer.

Other important factors are the age and time of day the offense occurred.

Among the very young, the offense may be an impulsive act without great significance or it could be a danger signal and a "cry for help." Only a skillful intake worker will be able to make such determinations. Of equal significance is the time of day an offense occurred.

For example, a child under fourteen who commits a delinquent act late at night, or during early morning hours, should trigger a concern. The time the act takes place is often a clue to the type of supervision afforded by the parents or guardian.

Still other questions to be considered are:

What is the nature of the child-parent relationships?

What is the attitude of the youth and parent toward the situation?

Is there a recognition by the youth of the seriousness of the situation?

Was the youth alone or in company of others who are accomplices?

#### Intake Dispositions

The above questions do not represent an exhaustive list of factors to be considered but are only suggestive of the kind of questions which should be considered by the intake worker in his diligent effort to determine whether he should: (1) refer the matter to the prosecutor for a decision on jurisdiction or sufficiency of evidence; (2) recommend the filing of a petition; (3) warn and release or

(4) refer the youth, with his or her consent, to an appropriate community resource for the assistance needed.

Although there can be a number of factors to consider in the decision-making process at intake, the nature and extent of screening is often determined by special circumstances. For example, when there is prima facie evidence that a youth has committed a crime of violence; has a history of serious offenses; or has failed to appear at previously scheduled hearings, then extensive screening before recommending the filing of a petition is unnecessary and unwarranted.

In such cases the intake worker should immediately recommend the filing of a petition and place the youth in detention pending a detention hearing.

The objective of helping youth to live within the limits set by law is not realized by routinely funneling more youth into the system. Unless it is determined after careful screening that a youngster is a serious threat to person or property or is a repetitive offender, official action cannot be justified.

The juvenile court should be primarily concerned with offenses, which if committed by adults, would be crimes.

"... The Juvenile Court should serve as a last resort, used only when questions of restraint and coercion arise. In this perspective, the business of the juvenile court should usually be limited to offenders whose conduct would be a violation of the criminal law if committed by an adult. The juvenile court should not be saddled with the role of a child welfare agency or with the rehabilitation of children who run away, smoke, refuse to attend school or are otherwise "incorrigible." For those problems, other suitable agencies must be found in existing or new social service agencies."<sup>7</sup>

For youth who do not need to move beyond intake, and for whom additional processing in the juvenile justice system could be both detrimental and costly, certain important dispositional alternatives should be considered. Some youth coming to the attention of the juvenile court intake can best be served by terminating any further involvement in their lives by the State or Community.

Often the act of being apprehended and confronted with a minor violation is all that is necessary when the youth and parents evidence

concern about the behavior and the willingness to take corrective action.

There are other youth whose behavior and/or offenses do not require court action, but do require referral to an appropriate youth-serving agency for meeting individuals needs and problems that are apparent to the intake worker. The needed service may include counseling, special education, health care, employment, vocational rehabilitation or financial assistance. Such services often involves the parents and other family members as well. Hopefully the community's youth serving agencies will be responsive to these needs with an appropriate referral center and a coordinated services delivery system.

Some intake units and probation departments provide continuing service to children and families after a decision has been made that no petition will be filed. Various terms are used to describe the service:

Unofficial probation, non-judicial supervision, unofficial supervision or simply "supervision." There are compelling reasons why continued service should not be provided by the intake unit or probation department: (1) regardless of the nomenclature used, continued service in the juvenile justice system identifies and stigmatizes a youth as delinquent; (2) "unofficial" handling leads to a distortion in the minds of some as to the functioning of the court and probation department and (3) the use of unofficial processing is subject to abuse.

### Adjustments and Referrals

After intake has made a determination that no petition will be filed, the case should be referred to an appropriate agency or conferences conducted at intake for the purpose of affecting adjustments or agreements. A time limit of 10 days from the time the initial complaint was received should be used for effecting adjustments or making referrals. Though this can be done administratively, it is preferable to establish such a procedure by statute.

"If a petition is not filed within the time limits provided the Intake Office of probation services is authorized to refer the case to an appropriate public or private agency and to conduct conferences for that purpose. During such conferences, a party may not be compelled to appear, to produce any papers, or to visit any place. Such authorization shall not

extend for a period beyond 10 days from the date of the complaint was made."<sup>8</sup>

The time for affecting adjustments can often be used to reach an agreement for restitution when there have been damages or unrecovered stolen property. However, if court action is necessary to recover damages or restitution, the complaint or victim should be informed that a separate action will have to be initiated in a court having civil jurisdiction, and not in the juvenile court.

### The Rights of Youth and Parents

Before an intake worker begins his initial interviews with the juvenile and his parents, they should be informed by the worker of their right to remain silent and the right to have legal counsel present. If the youth and his parents wish to participate in the interview, nothing they say can later be used in evidence against them. This should be made clear to everyone participating in the interview.

"Unless advised by counsel, the statements of a child or other information or evidence derived directly or indirectly from such statements made while in custody to police or law enforcement officers or made to the prosecutor, probation officer, or social service worker, during the process of the case, including statements made during a preliminary inquiry, predisposition study or consent decree, shall not be used prior to a determination of the petition's allegation in a delinquency case or in a criminal proceeding prior to conviction."<sup>9</sup>

When an intake worker recommends that a petition be filed, he should fully explain to the child and his parents their right to an attorney if one has not already been retained by the family. If the child has not secured the services of a lawyer to represent him, legal counsel should be appointed. Legal counsel should be an unwaiverable right for youth petitioned into court. In some instances, involving situations of neglect, it may be necessary to appoint separate attorneys for the child and the parents when a conflict of interest is apparent.

### Prosecutor's Role

The prosecutor's role is clearly defined in the Model Acts for Family Courts and State-Local Children's Programs.

"(a) Complaints alleging delinquency or neglect shall be referred to the Intake Office. The Intake Office shall conduct a preliminary inquiry to determine whether the best interests of the child or of the public require that a petition be filed. If judicial action appears necessary, the Intake Office may recommend the filing of a petition, provided, however, that all petitions shall be prepared and countersigned by the prosecutor before they are filed with the court. Decisions of the prosecutor on whether to file a petition shall be final.

(b) If the Intake Office refuses to authorize a petition, the complainant shall be notified by the Intake Office of the complainant's right to review of the complaint by the prosecutor. The prosecutor, upon request of the complainant, shall review the facts presented by the complainant and after consultation with the Intake Office shall authorize, countersign, and file the petition with the court when he believes such is necessary to protect the community or interests of the child.

(c) When a child is in detention or shelter care and the filing of a petition is not approved by the prosecutor, the child shall be immediately released."<sup>10</sup>

### Detention and Shelter Care

In cases in which there is a basis for intake to recommend the filing of a petition, the next decision deals with the need for temporary care pending court hearing.

As noted earlier, however, the decision to recommend the filing of a petition, as well as the decision to use temporary care for a youth, does not require in each instance a large segment of time for contemplating what should be done. In fact, for certain crimes—such as crimes of violence—the decision to recommend the filing of a petition and the use of detention should not delay the youth's admittance to the detention home—providing the time constraints for filing a petition and scheduling a detention hearing are followed.

Temporary care pending a court hearing can be provided in a detention home which has secure custody, or in a non-secure facility—such as a foster family home or group home. (Shelter care).

The use of detention should be confined to those youth alleged to be a serious threat to the community and considered dangerous. If a youth presents a threat to his own personal safety, i.e. suicidal threats, but is not otherwise dangerous, temporary care should be provided in a hospital, or mental health facility appropriately equipped for such patients.

The detention of youth in jails and juvenile detention facilities throughout the Nation has been scandalous.

"Despite frequent and tragic stories of suicide, rape, and abuse of youth, the placement of juveniles in jails has not abated in recent years. The overuse of jails for adults and juveniles has been denounced by justice system personnel and lay critics, but this criticism has not produced any significant change in the vast majority of states.

... "Detention in physically restricting facilities built for the exclusive use of juveniles has been characterized generally as positive when contrasted to juveniles in adult jails. Although many juvenile facilities may be more healthful or humane than their jail counterparts, they still are jail-like facilities and are often even located adjacent to jail. Confinement in such a facility may be equally harmful, particularly in cases where the person has not committed a criminal violation."<sup>11</sup>

Shelter care is appropriate for children and youth who must be removed from their homes until a court hearing is scheduled but who are not dangerous to themselves or others. Four advantages of shelter care are apparent:

1. Shelter care is much less expensive than detention care.

2. Shelter care is less likely to confirm delinquency status.

3. The "home" setting of shelter care is more conducive to setting the groundwork for future "helping" efforts.

4. Community resources, and particularly youth services, are more readily available to the youth in shelter care than to those in a detention home.

Despite the advantages of shelter care, a national study of delinquent children and youth in custody reveals that there were only 18 shelters caring for 363 youth when the last census of juvenile facilities was concluded in June 1971. This represents less than 3 percent of

all delinquent youth in temporary care facilities.<sup>12</sup>

For all children and youth placed in detention homes, shelters, or hospitals by the intake unit, the Model Acts for Family Courts and State-Local Children's Programs provides that:

"(1) a petition shall be filed within 24 hours, Saturdays, Sundays, and holidays included.

"(2) a detention or shelter care hearing shall be held within 24 hours, Saturdays, Sundays, and holidays included, from the time of filing the petition to determine whether continued detention or shelter care is required."<sup>13</sup>

### Relationships with Community Youth Serving Agencies

The personnel performing juvenile court intake services are continuously receiving, screening, and making intake dispositions of children and youth referred to the juvenile court.

In the performance of tasks related to the above functions, intake workers are dealing with the police, schools, social service agencies and youth service bureaus. The total number of community agencies and personnel with whom intake has contact is sizeable.

The manner in which a child or youth is received and handled is largely contingent upon the working relationships established among agency personnel. If there are mutually developed agreements on referral practices, youth and families will experience fairness and interest in their problems. The groundwork will be laid for future helping efforts.

Conversely if procedures vary according to individual bias and whims, conflict among agencies is inevitable and the result will often be a more hostile and bewildered family which feels it has been treated unfairly.

The degree of formality needed in developing sound working relationships and linkages among youth serving agencies will vary. Formal written agreements among agencies in the processing of children and youth taken into custody - whether delinquent, neglected, or abused - is imperative to assure that legal safeguards are instituted for protecting the rights of children and families.

Law enforcement, child protective agencies, the juvenile court, and the prosecutor's office must have clearly identified roles and functions consistent with the juvenile court law - as a child moves from the point of being taken into

custody until a disposition is made. Each should accept the roles and responsibilities of the others.

While a high degree of formality is necessary in agreements related to the processing of youth taken into custody, informal agreements may serve the best interests of youth in other situations. If it is a routine practice of police to drop off curfew violators at a Youth Service Center--rather than booking them at headquarters and referring the case to juvenile court--there would be nothing gained, and possibly a great deal to be lost, by attempting to formalize the process in writing by the agencies involved. What some persons are willing to carry out informally may be far more beneficial to youth than what they are willing to put in writing. On the other hand, it is frequently helpful to have major changes in inter agency referral practices formalized through written agreements.

## Written Procedures

The juvenile justice system and its processes remains a mystery to many citizens and community youth serving agencies. Intake as a part of the system is no exception. The system consists of a number of agencies, each administered by a different office. It is further complicated by the fact that some are in the executive branch and some in the Judicial branch of government. Some have described the system as being a non-system. Because of this situation, the purpose, role and function of each unit in the system must be clear and concise.

The policy and procedures for intake service should be developed in a written manual, preferably as part of the Rules of Court. Distribution of the rules should be available to all who may have business with the juvenile court. Periodic review and refinement of procedures is essential, particularly when there are significant legislative changes or appellate court decisions affecting the administration of justice.

## CHAPTER VII

### Organization and Administration

Because of its importance, intake service requires a clear identity in the administration of probation or juvenile court services. A separate intake unit is essential in larger jurisdictions. In smaller courts where this is not practical, it is recommended that the intake function be centralized in one individual. Staff on duty or on call twenty-four hours a day is essential. Most intake units are either a part of a probation department or a unit in a Department of Court Services that includes a variety of services such as probation, intake, and detention. In recent years there have been indications of interest in placing administrative responsibility for juvenile correctional services and delinquency prevention services—including intake and probation—in the executive branch of State government. Four States have already enacted legislation mandating responsibility for these services to a designated State agency.<sup>14</sup>

Regardless of who administers the services and whether they are locally administered, State administered or a combination of the two, there is a need to insure the delivery of services to all communities.

"Public programs of delinquency prevention and treatment may be entirely State administered or partly locally administered. In the latter type, the local units should be vested with as much responsibility as possible and appropriate, the State government making this possible by providing consultation and adequate financial assistance. In addition, to promote quality, uniformity and efficiency of services, local administration should be governed by State promulgated regulations and standards. Subject to differences that exist between State and local governments with respect to jurisdiction, organization and administration, the principles applicable to the State agency should also be applicable to local agencies. Regardless of how administered,

services and facilities for the prevention and treatment of delinquency should, to the greatest extent possible, be community-based and close to those they serve and to other auxiliary community services."<sup>15</sup>

Unfortunately, it is not uncommon to find responsibility for intake services shifting between the staff of the juvenile court intake office and detention-home personnel. The determining factor is the time of day a referral is made to the juvenile court. The situation is complicated by the fact that detention-home staff and intake staff have different supervisors.

It is further complicated when there are no written guidelines or procedures for the screening and referral of cases. While the physical location of intake service may be in the court, the probation department, or a detention home, all intake staff performing intake service should be under the direction of the intake supervisor,<sup>16</sup> following written procedures and guidelines for decision-making and processing of children and youth. This is essential since the total intake screening process of (1) determining whether the court should take action and, if so, what kind of action, (2) determining the need for temporary care or (3) determining whether the matter should be referred elsewhere is all a part of one process.

#### Intake Staff

A youth's first experience with the juvenile court can have a profound impact on him. As the intake worker for the juvenile court will be the first person at the court with whom the youth has contact, a youth's concept of justice will be influenced by how he is treated at intake.

The worker should be particularly sensitive and skillful in short-term interviewing and should be capable of making important decisions after brief contacts with the complainant, the youth, and the family—together with an exami-

nation of the police report. Therefore, the intake unit should be staffed by the best personnel in the probation department. Staff should have experience in probation services and be knowledgeable about the juvenile court law, Rules of Court, the juvenile correctional system, referral procedures, community youth-serving agencies and the role and function of personnel in the justice system.

### Volunteers

Volunteers can support and supplement the intake operation. In fact the use of volunteers can add a new dimension to the total intake service. Volunteers can greet youth and parents as they arrive at intake and provide an orientation to intake and court procedures. They can explain the roles of the intake counselor, proba-

tion officer, judge, prosecutor and defense counsel. They can also assist the family in filling out the intake fact sheet which contains identifying information. (Generally it contains the names of family members, place of employment, birth-dates, school, address, phone number and other factual information.)

Finally, volunteers can be of assistance to families that are being referred to another agency for service after a determination has been made by the professional staff that no court action will be taken. They can expedite the referral by making appointments, clarifying instruction, and providing transportation and follow-up on referrals to ensure that appointments are kept and services delivered.

Tasks at intake which should be reserved for the professional intake staff are those which involve the actual case decisions and determinations described throughout this publication.



## CHAPTER VIII

### Summary of Guides for Juvenile Court Intake Screening

1. States having no provision for a preliminary inquiry by intake workers in their juvenile court act should consider the enactment of provisions consistent with Section 13 of the Model Act for Family Courts and State-Local Children's Programs. (See p. 20)

2. Juvenile Court Intake should not accept complaints requiring further investigation to determine if a child or youth comes within the purview of the juvenile court act. Placing such responsibility on the intake staff puts them in an adversary position in the eyes of the child and family.

In addition, intake personnel are not generally qualified to make such investigations.

Responsibility for investigations to determine whether an act or situation brings a child or youth within the jurisdiction of the juvenile court is appropriate for law enforcement agencies and child protective agencies. The latter agency is principally involved in the investigation of alleged neglect or abuse of children. (See p. 20)

3. Confusion still exists in many communities between the preliminary inquiry at intake and the social study performed by probation officers.

The preliminary inquiry conducted at intake should consist of a review or evaluation of information supplied by the agency or person making the complaint.

The social study in contrast should be an in-depth study by a probation officer of the family history, inter personal relationships, personality problems, school adjustment, work experiences and other related social and economic factors. The study is conducted after the filing of a petition and adjudicatory hearing, but before the dispositional hearing. (See p. 20)

4. One of the principle points of emphasis at intake should be the diversion of youth—particularly status offenders—out of the juvenile justice system.

Equally important is identifying those youth who are a threat to the community and in need of official processing through the juvenile court for their own and society's protection. (See p. 21)

5. Some intake practices include the provision of continuing services to children and families after a decision has been made that no petition will be filed. Continued service by anyone in the juvenile justice system labels and stigmatizes youth. Secondly, unofficial probation violates due process of law. Finally, the use of unofficial supervision is easily subject to abuse. If a petition is not filed, no agency of the juvenile justice system should provide continuing services. (See p. 23)

6. After a child or youth has been referred to intake, processing activities should be guided by time limitations consistent with the following recommendations:

(1) Within 24 hours, Saturdays, Sundays, and holidays included, children in detention or shelter care shall have a detention or shelter care hearing unless released prior to the expiration of that time.

(2) Within 10 days from the receipt of a complaint, the intake unit should refer the case to another agency, affect adjustments, such as a warning and a release, or file a petition.

(3) The Model Act provides that on motion or in behalf of a child, a petition alleging delinquency or neglect should be dismissed with prejudice if it was not filed within 10 days from the date the complaint was referred to the intake office. (See p. 23)

7. Before the initial intake interview begins, the child and parents should be informed that they have a right to counsel and a right to remain silent. They should also be informed that whatever they say, if they elect to participate in the interview cannot be used against them in future court proceedings.

Whenever the intake worker determines that he will recommend the filing of a petition, the youth and parents should be further advised of their right to an attorney through all phases of the court's processes and should be provided legal counsel if they cannot employ counsel. (See p. 24)

8. When the intake unit recommends that a petition be filed, the prosecutor should authorize, countersign, and file all petitions with the court. Questions arising at intake regarding the sufficiency of evidence should be referred to the prosecutor for a final decision. (See p. 24)

9. The need for emergency temporary care (detention or shelter care) of children and youth alleged to be delinquent or neglected - pending a detention or shelter care hearing - is a decision which should be made by the intake staff from delegated powers of the court. (See p. 24)

10. The guidelines and procedures for intake service should be developed in a written manual preferably as part of the Rules of Court. Distribution of the rules should be available to all who may have business with the court.

Periodic review and refinement of procedures is essential. (See p. 26)

11. The intake service performed for the juvenile court should be a clearly identified service within the organization of juvenile probation services. In larger jurisdictions it may be a unit within the Department of Court Services. (See p. 27)

12. Intake staff should be on duty or on call 24-hours a day, seven days a week, to determine if temporary care is needed for children and youth taken into custody. Such a practice is imperative, regardless of the size of jurisdiction being served. (See p. 27)

13. Intake staff should be selected from the best qualified personnel in the probation department, and should possess special skills in short-term interviewing and decision-making. (See p. 28)

14. The use of volunteers at intake is encouraged. A variety of tasks can be assigned to volunteers complementing the work of salaried staff. (See p. 28)

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13. Model Acts, *op. cit.*, Sec. 23 (a).
14. The States are: Maryland, Florida, Rhode Island, and Vermont.
15. Model Acts, *op. cit.*, under "Principles Underlying the Legislative Materials," No. 6.
16. Also known as Chief of Intake and Director of Intake.

**END**